

9178

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ERRATA.

| Page | Line | For | Read |
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| 73 | ... | The word 'submitted' in the foot-note. The words "VII of 1926" at the top of the pages between 77 to 143. | Substituted. VII of 1906. |
| 83 | ... | Change the mark "*" by the side of the figures "23 A" into the mark "[a]" and add the words "Added by Regulation IV of 1923" above the foot-note "Added by Regulation V of 1918". | |
| 97 | ... | The marginal heading to section 44 (a). | Penalty for councillor, officer or servant of a Municipal Council being interested in any contract, etc., with that Municipal Council. |
| 97 | ... | Omit the words in the foot-note | |
| 118 | 6 from the top. | Schedule II A | Schedule III A. |
| 123 | ... | Add "[a-a] Added by Regulation .II of 1923" as a foot-note | |
| 137 | 18 from the top. | Bring the mark "[a]" after the word "Commissioner." | |
| 143 | 22 from the top. | The word "other" | Either. |
| 146 | ... | For the word "renewal" in the marginal heading to section 94 (2). | Removal. |
| 162 | ... | For the word "Dispiacing" in the marginal heading to section 12 (1). | Displacing. |
| 202 | ... | For the figures "1926" in the foot-note. | 1923. |
| 241 | last line | Matter .. | Matters. |
| 249 | ... | Omit the words in the foot-note. | |

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REGULATION No. I OF 1906.

(Passed on the 16th day of March 1906.)

A Regulation to make provision for Compulsory Vaccination in Mysore.

WHEREAS it is expedient to make provision for Preamble.
Compulsory Vaccination in Mysore; His Highness the
Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called “The Mysore Short title.
Vaccination Regulation, 1906.”

(2) And it extends to the whole of Mysore.

*2. Vaccination shall be compulsory in all Munici- Extent.
palities constituted under the Mysore Municipal Regula-
tion, 1906, and in the local area under the control of the
Kolar Gold Fields Sanitary Board.

3. The Government may, by notification in the
Official Gazette, declare that vaccination shall be com-
pulsory in any other local area from and after a date to be
specified in such notification and Government may, in
like manner, cancel or modify any such declaration.

4. The Government may make rules to regulate the
vaccination of persons in the local areas where vaccina-
tion is or has been declared to be compulsory, and bye-
laws for the purposes of this Regulation not inconsistent
with these rules may be made from time to time with the
approval of Government by a local body within whose
local area vaccination has been declared to be com-
pulsory.

5. For every breach of a rule or bye-law under
Section 4, the offender shall be liable to a fine not exceed-
ing fifty rupees.

Provided that no penalty shall be imposed on any
person by reason of non-vaccination, if he has already had
small-pox. *

* Sections 2-5 were substituted for the original section 2 by Regulation VII of 1925.

THE MYSORE TRAMWAYS REGULATION, 1906.

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REGULATION No. II OF 1906.

*(Passed on the 7th day of July 1906.)***A Regulation to facilitate the construction and to regulate the working of Tramways in Mysore.**

WHEREAS it is expedient to facilitate the construction and to regulate the working of Tramways in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Preliminary.

1. (1) This Regulation may be called the Mysore Tramways Regulation, 1906; and Short title and commencement.

(2) It shall come into force at once.

2. It extends to the whole of Mysore. Local extent.

3. In this Regulation, unless there is something repugnant in the subject or context,— Definitions.

(1) "local authority" means a municipal committee, district board, or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:

(2) "road" means the way of a road, street, thoroughfare, passage or place along or across which a tramway authorised under this Regulation is, or is intended to be laid, and includes the surface-soil and sub-soil of a road, and the footway, bermes, drains and ditches of a road, and any bridge, culvert or causeway forming part of a road:

(3) "road-authority," in relation to a road, means—

(a) if a local authority maintains and repairs the road, then that authority;

(b) if a local authority does not maintain and repair the road, and the road is neither vested in nor maintained and repaired by the Government, then the person in whom the road is vested; and

(c) if a local authority does not maintain and repair the road, and the road vested in or maintained and repaired by the Government, then the Government:

(4) "circle," in relation to a local authority or road-authority, means the area within the control of that authority :

(5) "tramway" means a tramway, or any part of a tramway, or any siding, turn-out, connection, line or track belonging to a tramway :

(6) "order" means an order authorising the construction of a tramway under this Regulation, and includes a further order substituted for, or amending, extending or varying, that order :

(7) "promoter" means a local authority or person in whose favour an order has been made and includes a local authority or person on whom the rights and liabilities conferred and imposed on the promoter by this Regulation and by the order and any rules made under this Regulation as to the construction, maintenance and use of the tramway, have devolved :

(8) "undertaking" includes all movable and immovable property of the promoter suitable to and used by him for the purposes of the tramway :

(9) "carriage," in the case of a tramway on which steam-power or any other mechanical power is used, includes an engine worked on the tramway for the purpose of producing that power :

(10) "toll" includes any charge leviable in respect of the use of a tramway :

(11) "lessee" means a person to whom a lease has been granted of right of user of a tramway and of demanding and taking the authorised tolls :

(12) "District Magistrate" includes an officer empowered by the Government by name or by virtue of his office to discharge within any local area all or any of the functions of a District Magistrate under this Regulation :

(13) "District Court" means a principal Civil Court of original jurisdiction :

(14) "Deputy Commissioner" means the chief officer in charge of the revenue administration of a district, and includes an officer empowered by the Government by name or by virtue of his office to discharge within any local area the functions of a Deputy Commissioner under this Regulation : and

(15) "prescribed" means prescribed by rules made by the Government under this Regulation.

Orders authorising the Construction of Tramways.

4. (1) The Government may make an order authorising the construction of a tramway in a circle on application made—

Application for and consent necessary to making of order.

(a) by the local authority of the circle with the consent of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not itself the road-authority; or

(b) by any person with the consent of the local authority of the circle, and of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not the road-authority.

(2) A local authority shall not make an application for an order, or be deemed to consent to an application being made by any person for an order, unless the making of the application or the giving of the consent has been approved by the local authority in manner prescribed.

5. When it is proposed to lay a tramway in two or more circles, and a local authority or road-authority having control in either or any of the circles does not consent thereto, or attaches conditions to its consent, the Government may, nevertheless, make an order authorising the construction of the tramway in the circle, or by the order impose on the promoter any conditions which it deems fit, if, after considering the reasons of the authority for withholding its consent or attaching the conditions thereto, it is satisfied that the construction of the tramway in the circle is expedient, or, as the case may be, that the conditions attached by the authority to its consent ought not to be imposed.

Consent of local or road-authority not necessary in certain cases.

6. (1) The Government on receiving an application shall consider it, and, if satisfied as to the propriety of proceeding thereon, publish in the Official Gazette, and in such other manner as it deems sufficient for giving information to persons interested, a draft of a proposed order authorising the construction of the tramway.

Procedure for making order.

(2) A notice shall be published with the draft stating that any objection or suggestion which any person may desire to make with respect to the proposed order will, if submitted to the Government on or before a date to be specified in the notice, be received and considered.

(3) If, after considering any objections or suggestions which may have been made with respect to the draft on or before the date so specified, the Government is of opinion that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, it may make an order accordingly.

(4) Every order authorising the construction of a tramway shall be published in the Official Gazette in English and in Kannada; and that publication shall be conclusive proof that the order has been made as required by this section.

Contents of
order.

7. (1) An order made under section 6 shall empower the promoter therein specified to construct and maintain the tramway therein described in the manner therein provided, and shall specify the time within which the tramway shall be commenced and the time within which it shall be completed and opened for public traffic.

(2) The order may also provide, in manner consistent with this Regulation, for all or any of the following among other matters, that is to say:—

(a) a period before the expiration of which the tramway shall not be commenced, and the conditions subject to which the local authority, when it is not itself the promoter, may, within that period, elect to be substituted in the place of the promoter in respect of the undertaking or of so much thereof as is within its circle; and the limits of time within which, and the terms upon which, the local authority may, after the tramway has been constructed, require the promoter to sell to it the undertaking or so much thereof as is within its circle;

(b) the acquisition by the promoter of land for the purposes of the tramway, and the disposal by him of land which has been acquired but is no longer required for those purposes;

(c) the conditions subject to which roads may be opened and broken up for the purposes of the construction or maintenance of the tramway or any part thereof, and the method of, and materials to be used in, the re-instating of the roads, and the approval of the method and materials by the Government or the road-authority before the commencement of the work;

(d) the conditions on which the tramway may be constructed over a bridge or across a railway or tramway when the carriageway over the bridge is to form part of

the tramway or when the tramway is to cross a railway or another tramway on the level ;

(e) the space which shall ordinarily intervene between the outside of the carriageway on either side of a road whereon the tramway is to be constructed and the nearest rail of the tramway, and the conditions on which a smaller space may be permitted ;

(f) the gauge of the tramway, the rails to be used, and the mode in which and the level at which they shall be laid and maintained ; and the adoption and application by the promoter of such improvements in the rails, and in their situation, and in the sub-structure upon which they rest, as the Government may from time to time require ;

(g) the portion of the road or roads traversed by the tramway to be kept in repair by the promoter ; the maintenance by the promoter, to the satisfaction of the Government or the road-authority, or both, of that portion of the road or roads ; and the liability of the promoter, on the requisition of the Government, from time to time to adopt and apply such improvements in the tramway, as the Government may consider necessary or desirable for the safety or convenience of the public, and to alter the position or level of the tramway to suit future alterations in the road or roads ;

(h) the application of material excavated by the promoter in the construction or maintenance of the tramway ;

(i) the provision of such crossings, passing-places, sidings, junctions and other works, in addition, to those specified in or authorised by the order, as may from time to time be necessary or convenient to the efficient working of the tramway ;

(j) the powers which may from time to time be exercised by the Government, the local authority, the road-authority or any person in respect of sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway ; the notice (if any) to be given of the intended exercise of those powers ; the manner in which the powers shall be exercised ; and the extent to which the tramway and the traffic thereon may be interfered with in the exercise thereof ;

(k) the conditions subject to which the promoter may from time to time interfere with or alter or require the alteration of the position of, drains (not being sewers

or main drains), telegraph-lines, gas-pipes, water-pipes or other things as aforesaid;

(*l*) the provision of a temporary tramway in place of a part of a tramway which has been removed, or of which the use has been discontinued, by reason of the execution of any work affecting a road along which the part of the tramway was laid, or by reason of the use of the road being interrupted by floods or other cause;

(*m*) the motive power to be used on the tramway, and the conditions on which steam-power or any other mechanical power may be used;

(*n*) the nature, dimensions, fittings, appliances and apparatus of the carriages to be used on the tramway, and the inspection and examination thereof by officers of the Government or the local authority, and the liability of the promoter or lessee, on the requisition of the Government, from time to time, to adopt and apply such improvements in the carriages, and in the fittings appliances and apparatus, as the Government may consider necessary or desirable for the safety or convenience of the public;

(*o*) the traffic which may be carried on the tramway, the traffic which the promoter or lessee shall be bound to carry, and the traffic which he may refuse to carry; the tolls to be leviable by the promoter or lessee, and the periodical revision thereof by the Government; and the regulation of the traffic and of the levy of the tolls;

(*p*) the use of the tramway free of toll by the local authority, with its own carriages, for specified purposes, during specified hours, with power to the local authority to make such sidings, and other works as may be necessary for communication between its premises and the tramway;

(*q*) the conditions subject to which the promoter may transfer the undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise; and the conditions subject to which the local authority may be the transferee;

(*r*) the performance by the Government or by the local authority or road-authority of any work required by the Regulation or the order to be done by the promoter; and

(*s*) the penalty to be incurred by the promoter or lessee for failure to observe any condition or direction contained in the order, and the application of the penalty when recovered.

(3) The Government may, in providing in the order for the acquisition of land for the purposes of a tramway of which the promoter is not a company, direct that land may be acquired for the promoter under the provisions of the Mysore Land Acquisition Regulation, VII of 1894, in the same manner and on the same conditions as it might be acquired for the purposes of the tramway if a company were the promoter.

(4) The order shall imply the condition—

(a) in the case of tramway of which a local authority is the promoter, that a lease thereof shall be granted only in manner by this Regulation provided; and

(b) in the case of a tramway of which a local authority is not the promoter, that a lease thereof shall be only of the right of user and of demanding and taking the authorised tolls, and shall not confer or impose on the lessee any of the powers or duties of the promoter in respect of the construction or maintenance of the tramway.

8. (1) The Government may, on the application of the promoter, revoke, amend, extend or vary the order by a further order. Further order.

(2) An application for a further order shall be made in the same manner and subject to the same conditions as an application for an order.

(3) The Government may, in its discretion, either grant or reject the application.

(4) If it grants the application, it shall make the further order in the same manner as an order, except that no addition to, or modification of, the rights, powers and authorities asked for in the application, or restriction or condition with respect thereto, shall be made or imposed by the further order without the consent in writing of the promoter.

9. (1) Subject to, and in accordance with, the provisions of this Regulation, the Government may, on a joint application, or on two or more separate applications, make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts, of a tramway, and jointly or separately to own the whole or parts thereof. Power to authorise joint work by local authorities.

(2) All the provisions of this Regulation which relate to the construction of tramways shall extend and

apply to the construction of the whole and the separate parts of the tramway, and the form of the order may be adapted to the circumstances of the case.

Cessation of
powers given
by an order.

10. (1) If a promotor authorised by an order to construct a tramway —

(a) does not within the time specified in the order substantially commence the construction of the tramway, or

(b) having commenced the construction, suspends it without a reason sufficient in the opinion of the Government to warrant the suspension, or

(c) does not within the time specified in the order complete the tramway and open it for public traffic,

the following consequences shall ensue :—

- (i) the powers given by the order to the promotor for constructing the tramway and otherwise in relation thereto, shall, unless the Government, by special direction in writing, prolongs the time or condones the suspension, cease to be exercised except as to so much of the tramway as is then completed ;
- (ii) as to so much of the tramway as is then completed, the Government may either permit, or refuse to permit, the powers given by the order to continue ;
- (iii) if the Government refuses to permit the powers to continue, then so much of the tramway as is then completed may be dealt with, under the provisions of this Regulation relating to the discontinuance of tramways, as a tramway of the working whereof the discontinuance has been proved to the satisfaction of the Government.

(2) A notification published by the Government in the Official Gazette to the effect that on a date specified in the notification the construction of a tramway had not been substantially commenced or a tramway had not been completed and opened for public traffic, or that the construction of a tramway had been suspended without sufficient reason, shall, for the purposes of this section, be conclusive proof of the matter stated therein.

Construction and Maintenance of Tramways.

11. A tramway shall be constructed and maintained in the manner provided by the order.

Mode of formation of tramway.

12. A tramway, or portion or extension of, or addition to, a tramway, shall not be opened for public traffic until an engineer appointed in this behalf by the Government has inspected it and certified it to be fit for such traffic.

Inspection of tramway before opening.

13. Subject to the provisions of any order for the time being in force with respect to the matters mentioned in section 7, sub-section (2), clause (g), the road-authority and the promoter may from time to time enter into agreements as to the keeping in repair of the whole or a part of a road traversed by a tramway. and as to the proportion to be paid by either of them of the expense of keeping the road or part in repair.

Agreement between road-authority and promoter as to repair of roadway.

Traffic on Tramways.

14. (1) The promoter of a tramway shall, subject to the provisions of sub-section (2) and to the other provisions of this Regulation and of the order, have the exclusive use of the tramway for carriages with flange wheels or other wheels suitable to run on the rail described in the order as the rail to be used on the tramway ;

Rights of promoters and the public over tramways

Provided that nothing in this Regulation or in the order or any rule made under this Regulation shall affect the right of any person authorised to use a tramway or railway to pass across a tramway constructed under this Regulation with carriages having wheels suitable to run on the rail thereof.

(2) The public shall have a right to pass along or across any part of a road along or across which a tramway is constructed, whether on or off the tramway, with carriages not having flange-wheels or other wheels suitable to run on the rail of the tramway: Provided—

(a) that this sub-section shall not apply where the tramway is constructed on land the right to the exclusive possession of which has been acquired by the promoter ; and

(b) that the Government may by an order authorise the construction of a tramway on any part of a road

with rails raised above the surface of the road, if it is satisfied that the convenience of the public will not be injuriously affected thereby.

Tolls leviable
by promoter
or lessee.

15. (1) The promoter or lessee may demand and take, in respect of the tramway, tolls not exceeding the limits specified in or determinable under the order, or, if the order contains no provision in this behalf, then such sums as may from time to time be fixed by the promoter or lessee with the previous sanction of the Government.

(2) A list of all the tolls authorised to be levied shall be exhibited, in such languages as the District Magistrate may direct, in a conspicuous place inside and outside each of the carriages used upon the tramway.

Carriage of
dangerous
or offensive
goods.

16. (1) A person shall not be entitled to carry or to require to be carried, on a tramway constructed under this Regulation, any goods of a dangerous or offensive nature.

(2) A person taking such goods with him on the tramway shall, before entering the carriage, give notice of their nature to the servant of the promoter or lessee in charge of the carriage.

(3) A person sending such goods by the tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the servant of the promoter or lessee with whom he leaves them for the purpose of their being sent by the tramway.

(4) Any servant of the promoter or lessee may refuse to carry upon the tramway a parcel which he suspects to contain goods of a dangerous or offensive nature, and if any such parcel has been received for the purpose of being carried upon the tramway, may stop the transit thereof until he is satisfied as to the nature of its contents.

(5) Where a servant of the promoter or lessee refuses under sub-section (4) to carry a parcel which has been received for the purpose of being carried upon the tramway, he shall, as soon as may be, give notice of his refusal to the consignor or consignee if he refuses at a time when neither of them is present.

Licenses to use Tramways.

Grants to
third parties
of licenses to
use tramway
in certain

17. If, at any time after a tramway or part of a tramway has been for three years opened for public traffic

in a circle, the local authority of the circle represents in writing to the Government that the public is deprived of the full benefit of the tramway or of the part thereof, the Government may, if after considering any statement which the promoter or lessee or both may desire to make, and after such further enquiry as it deems necessary, it is satisfied as to the truth of the representation, grant a license to any person to use the tramway conformably to this Regulation and to the order and the rules made under this Regulation, subject to the following provisions, namely :—

(a) the license shall be for a period not less than one year or more than three years from the date of the license, but the Government may in its discretion renew it ;

(b) the license shall be to use the whole of the tramway for the time being opened for public traffic, or such part or parts of the tramway as the Government, having regard to the cause for granting the license, thinks fit ;

(c) the license shall specify the number of carriages which the licensee shall run upon the tramway, the mode in which, and times at which, the carriages shall be run, the tolls to be paid to the promoter or lessee by the licensee for the use of the tramway, and the tolls, being those for the time being leviable by the promoter or lessee, which the licensee may demand and take for the use of his carriages ;

(d) the licensee and his officers and servants shall permit one person, duly authorised for that purpose by the promoter or lessee, to travel free of toll in or upon each carriage of the licensee run upon the tramway for the whole or any part of a journey ;

(e) any provision of this Regulation or of the order or rules made under this Regulation, relating to the functions of a servant of a promoter or lessee shall be construed, so far as may be, as referring to a servant of the licensee ; and

(f) the Government may revoke, alter or modify the license for any cause sufficient in its opinion to warrant the revocation, alteration or modification thereof.

18. A licensee shall, on demand, give to an officer or servant authorised in that behalf by the promoter or lessee an exact account in writing, signed by the licensee,

Licensee to give to promoter or lessee an account of traffic

of the number of passengers, or number or quantity of goods, conveyed by any and every carriage used by him on the tramway.

Discontinuance of Tramways.

Cessation of powers of promoter and lessee, on discontinuance of tramway.

19. If it is proved to the satisfaction of the Government, at any time after the opening of a tramway for public traffic, that the working of the tramway, or any part thereof, has been practically discontinued, for the space of three months, without a reason sufficient, in the opinion of the Government, to warrant the discontinuance, the Government, if it thinks fit, may, by notification in the Official Gazette, declare that the powers of the promoter and of the lessee, if any, in respect of the tramway or the part thereof of which the working has been so discontinued, shall, from the date of the notification, be at an end; and thereupon the said powers shall cease and determine, except in so far as they may be purchased by a local authority in manner by this Regulation provided.

Powers of road-authority on cessation of powers of promoter.

20. (1) Where a notification has been published under section 19, the road-authority may, at any time after the expiration of two months from the date of the notification, remove the tramway or part of the tramway of which the working has been so discontinued, and use the materials thereof in re-instating the road.

(2) The promoter shall pay to the road-authority the cost incurred by that authority in removing the tramway or the part thereof and in re-instating the road.

(3) The cost shall be certified by an officer of the road-authority, and his certificate, countersigned by the District Magistrate, shall be conclusive proof as to the cost incurred.

(4) If the promoter does not pay the amount so certified within one month after the delivery to him, of the certificate or of a copy thereof, the road-authority may, without any previous notice to the promoter and without prejudice to any other remedy which it may have for the recovery of the amount, sell and dispose of such materials of the tramway or part thereof removed as it has not used in re-instating the road, either by public auction or by private sale, and for such sum or sums, and to such person or persons, as it thinks fit, and may, out of the proceeds of the sale, pay and reimburse itself the amount of the cost aforesaid and of the expenses of the sale, and

shall pay over the residue, if any, of the proceeds of the sale to the promoter.

Insolvency of Promoter.

21. (1) If, at any time after the opening of a tramway in a circle for public traffic, it appears to the road authority or local authority of the circle that the promoter of the tramway is insolvent, so that he is unable to maintain the tramway, or to work it with advantage to the public, and either of those authorities makes a representation to that effect to the Government, the Government may, if after considering any statement which the promoter may desire to make, and after such further enquiry as it deems necessary, it is satisfied as to the truth of the representation, declare, by notification in the Official Gazette, that the powers of the promoter shall, at the expiration of six months from the publication of the notification, be at an end; and the powers of the promoter shall cease and determine at the expiration of that period, except in so far as they may be purchased by a local authority in manner by this Regulation provided.

Proceedings
in case of
insolvency
of promoter.

(2) Where a notification has been published under sub-section (1), the road-authority may, at any time after the expiration of six months from the date thereof, remove the tramway in the same manner, and subject to the same provisions as to the payment of the cost of the removal and to the same remedy for recovery of the cost, in every respect as in cases of removal under section 20.

Purchase of Tramways.

22. (1) Where the promoter of a tramway in a circle is not the local authority, the local authority, with the previous sanction of the Government, may—

Future
purchase of
undertaking
by local
authority.

(a) within such limits of time as may be specified in this behalf in the order, or

(b) if a time was not specified in the order, then within six months after the expiration of a period of twenty-one years from the date of the order, and within six months after the expiration of every subsequent period of seven years, or

(c) within two months after the publication of a notification under section 19 or within six months after the publication of a notification under section 21, by notice in writing, require the promoter to sell to

the local authority his undertaking or the part thereof which is within the circle of the local authority; and thereupon the promoter shall sell the same upon the terms specified in the order, or if the terms were not specified in the order, then upon the terms of paying the then value of the undertaking or of the part thereof, exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale of other consideration whatsoever.

(2) A requisition shall not be made under sub-section (1) unless the making thereof has been approved by the local authority in manner prescribed.

(3) When a sale has been made under this section, all the rights, powers and authorities of the promoter in respect of the undertaking or part thereof sold or, where a notification has been published under section 19 or section 21, all the rights, powers and authorities of the promoter previous to the publication of the notification in respect of the undertaking or part thereof sold, shall be transferred to the authority to whom the undertaking or part has been sold, and shall vest in, and may be exercised by, that authority in the same manner as if the tramway had been constructed by it under an order made under this Regulation.

(4) Subject to, and in accordance with, the preceding provisions of this section, two or more local authorities may jointly purchase an undertaking or so much thereof as is within their circles.

Working of Tramways owned by Local Authorities.

Lease of, or
working of,
tramway by
local
authority.

23. (1) When a local authority has under the authority of an order completed a tramway, or has under the provisions of this Regulation or of an order acquired possession of a tramway, it may, by a lease to be approved by the Government, let to any person the right of user of the tramway and of demanding and taking the authorised tolls.

(2) On the determination of a lease the local authority may from time to time let the right for such further term and on such conditions as the Government may approve.

(3) Every lease made under this section shall imply a condition of re-entry if at any time after the making thereof it is proved to the satisfaction of the Government

that the lessee has practically discontinued the working of the tramway leased, or of any part thereof, for the space of one month without a reason sufficient, in the opinion of the Government, to warrant the discontinuance.

(4) Notice of the intention of the local authority to make a lease shall be given in manner prescribed.

(5) If the local authority cannot by means of a lease obtain what it deems to be a fair rent for the tramway, it may itself, with the previous sanction of the Government and for such term as the Government directs, place and run carriages upon the tramway, and demand and take the authorised tolls in respect of the use of the carriages.

Rules.

24. (1) In addition to any other power to make rules expressly or by implication conferred by this Regulation, the Government may make rules consistent with this Regulation—

Power to
make rules-

(a) as to the form in which an application for an order shall be made ;

(b) as to the costs to be paid by an applicant in respect of an order and the time when, and the place where, those costs shall be paid ;

(c) as to the payment of money or lodgement of securities, by way of deposit, by the applicant for an order before the order is published under section 6, sub-section (4), or a further order is made under section 8 ; the investment of money so paid ; the disposal of interest or dividends from time to time accruing due on money or securities so paid, lodged or invested ; the application of the money or securities or the produce thereof to the discharge of any liability incurred by the promoter ; and the forfeiture, repayment or return of the money or securities ;

(d) as to the plans and sections of any works to be deposited by applicants for orders or by promoters ;

(e) for regulating the use of steam-power or any other mechanical power on a tramway ;

(f) as to any matter specified in section 7, sub-section (2), clauses (c), (d), (e), (j) and (k), as a matter which may be provided for in an order, when that matter has not been so provided for, or has not, in the opinion of the Government, been effectually so provided for ;

(g) as to the periodical submission, by promoters, lessees and licensees, of accounts of traffic and receipts to the Government or as the Government directs, and as to the forms in which those accounts are to be submitted ;

(h) as to the accidents of which report is to be made to the Government or as the Government directs ;

(i) as to any matter respecting which rules may be made under this section by a local authority or a promoter or lessee ; and

(j) generally, as to any other matter or thing in respect of which it may seem to the Government to be expedient to make rules for carrying out the purposes of this Regulation.

(2) A local authority may, from time to time, with the previous sanction of the Government, make rules consistent with this Regulation and with the order and any rules made by the Government under this Regulation for regulating—

(a) the rate of speed to be observed in travelling upon a tramway within the circle of the local authority ;

(b) the use of animal power on the tramway ;

(c) the distances at which carriages using the tramway are to be allowed to follow one after the other ;

(d) the stopping of carriages using the tramway and the notice to be given to the public of their approach ;

(e) the manner in which carriages using the tramway after sunset and before sunrise are to be lighted ;

(f) the traffic on roads along or across which the tramway is laid ;

(g) the number of passengers which may be carried in any carriage ;

(h) the licensing and control of drivers, conductors and other persons having charge of the carriages of the promoter or lessee or a licensee ; and,

(i) generally, the mode of use of the tramway.

(3) The promoter or lessee of a tramway may, from time to time, with the previous sanction of the Government, make rules consistent with this Regulation and with the order and any rules made under this Regulation—

(a) for preventing the commission of any nuisance in or upon any carriage, or in or against any premises, belonging to him ; and

(b) for regulating the travelling in any carriage belonging to him,

(4) The Government may cancel any rule made by a local authority or by a promoter or lessee under this section.

25. The authority making any rule under section 24 may direct that a breach of it shall be punishable with fine which may extend

Power to impose penalty by rule.

(a) if the authority making the rule is the Government, to two hundred rupees, and

(b) if that authority is a local authority or a promoter or lessee, to twenty rupees; and when the breach is a continuing breach, with a further fine which may extend—

(c) if the authority making the rule is the Government, to fifty rupees, and

(d) if that authority is a local authority or a promoter or lessee, to five rupees, for every day after the first during which the breach continues.

26. (1) Every authority having power to make rules under any section of this Regulation shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

Procedure for making, and publication of rules.

(2) The publication shall be made, in the case of rules made by the Government, in such manner as may in its opinion be sufficient for giving information to persons interested, and, in the case of rules made by a local authority or by a promoter or lessee, in manner prescribed.

(3) There shall be published with the draft a notice specifying a date, not earlier than the expiration of one month after the date of publication, at or after which the draft will be taken into consideration.

(4) The authority shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) The publication in the Official Gazette of a rule purporting to be made under this Regulation shall be conclusive proof that it has been duly made.

Offences.

27. If a promoter—

(a) constructs or maintains a tramway otherwise than in accordance with the order, or

Penalty for failure of promoter, lessee or licensee to comply with Regulation or

(b) opens the tramway for traffic, or permits it to be so opened, before it has been inspected and certified in manner required by section 12, or

(c) fails to observe any requirement or condition of the order for neglect or breach whereof no penalty has been expressly provided in the order,

or, if a promoter, lessee or licensee runs a carriage on a tramway otherwise than in accordance with the order, he shall (without prejudice to the enforcement of specific performance of the requirements of this Regulation or of the order, or to any other remedy which may be obtained against him in a Court of Civil Judicature), on complaint made by the Government or by the local authority or road-authority or by the District Magistrate or, with the previous sanction of the District Magistrate, by any person injuriously affected by the act or omission, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for every day after the first during which the offence continues to be committed.

Penalty for obstructing promoter in exercise of his powers.

28. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully obstructs any person acting under the authority of the promoter in the lawful exercise of his powers in constructing or maintaining a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, he shall be punished with fine which may extend to fifty rupees.

Penalty for interfering with tramway.

29. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully does any of the following things, namely :—

(a) interferes with, removes or alters any part of a tramway constructed under this Regulation, or of the works connected therewith, or

(b) places or throws upon or across any such tramway any wood, stone, refuse or other thing, or

(c) does anything in such a manner as to obstruct any carriage using any such tramway, or

(d) abets within the meaning of the Indian Penal Code the doing of, or attempts to do, anything mentioned in clause (a), clause (b), or clause (c),

he shall (without prejudice to any other remedy which may be obtained against him in a Court of Civil Judicature) be punished with fine which may extend to one hundred rupees.

30. If any person, except under a lease from, or by agreement with, the promoter, or under license from the Government granted under this Regulation, uses on a tramway, otherwise than as permitted by section 14, a carriage having flange-wheels or other wheels suitable to run on the rail of the tramway, he shall be punished with fine which may extend to two hundred rupees.

Penalty for using tramway with carriage having flange-wheels

31. (1) If any person travelling or having travelled in a carriage of the promoter or lessee or of a licensee, evades or attempts to evade payment of toll, or if any person having paid toll for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional toll for the additional distance or attempts to evade payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid toll to quit the carriage, he shall be punished with fine which may extend to ten rupees.

Penalty for evading payment of proper toll.

(2) When a person commits an offence under this section and refuses on demand of a servant of the promoter, lessee or licensee to give his name and residence, or gives a name or residence which the servant has reason to believe to be false, he may be arrested and taken to the nearest police station by the servant or any person whom the servant may call to his aid.

(3) When the person is taken to the police station he shall with the least possible delay be forwarded to the nearest Magistrate, unless his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate, if so required.

32. If any person takes or sends by a tramway any goods of a dangerous or offensive nature without giving the notice required by section 16, he shall be punished with fine which may extend to fifty rupees.

Penalty for taking or sending dangerous or offensive goods without giving notice.

33. (1) If a licensee fails on demand to give the account mentioned in section 18, or with intent to evade the payment of tolls, gives a false account when he is called upon to give an account under that section, he shall be punished with fine which may extend to fifty rupees.

Penalty for licensee not giving to promoter or lessee an account of traffic or giving false account.

(2) The fine shall be in addition to any tolls payable by the licensee to the promoter or lessee in respect of the passengers or goods conveyed by the carriage or carriages used by the licensee on the tramway.

Saving of
prosecution
under other
laws.

34. Nothing in this Regulation shall prevent a person from being prosecuted under any other law for an act or omission which constitutes an offence against this Regulation or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Regulation or the rules made under it: Provided that a person shall not be punished twice for the same offence.

Settlement of Differences.

Differences
between pro-
motors or
lessees and
authorities.

35. (1) If any difference arises between the promoter or lessee on the one hand and the Government or the local authority, or the road-authority, or a person having the charge of any sewers, drains, telegraph-lines, gas-pipes, water-pipes, or other things in or on land occupied by the tramway, on the other hand, with respect to any interference or control exercised or claimed to be exercised by, or on behalf of, either party by virtue of this or any other Regulation, or of the order or the rules made under this Regulation, or with respect to the propriety of, or the mode of, the execution of any work, or with respect to any compensation to be made by or to the promoter or lessee, or on the question whether any work is such as ought reasonably to satisfy the Government or the road authority or both, or with respect to any other subject or thing regulated by, or comprised in, this Regulation or the order or the rules made under this Regulation, and not otherwise expressly provided for therein, the matter in difference shall, except where the parties elect to proceed under section 523 of the Code of Civil Procedure, be settled, on the application of either party, by a referee.

(2) Where the difference is—

(a) between the promoter or lessee on the one hand and the Government, either as such or as the road-authority, on the other, or

(b) between the promoter on the one hand and the local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22,

the referee shall be the District Court within the jurisdiction of which the tramway is situate, or, where the tramway is within the jurisdiction of more than one

District Court, the District Court within the jurisdiction of which the greater part of the tramway is situate.

(3) In other cases the referee shall be appointed by the Government.

(4) Except where the referee is the District Court, the powers and procedure of the referee may be prescribed.

(5) In the case of a difference between a promoter on the one hand and a local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22, an appeal shall lie to the Chief Court from the award of the referee as from an original decree of the District Court.

(6) In the case of every other difference the award of the referee shall be final.

Recovery of Tolls.

36. Any of the following moneys, namely, any rent due to a local authority from a lessee, any penalty recoverable from a promoter or lessee under an order, any sum payable by a promoter or lessee under an award of a referee, the cost of the performance under this Regulation by the Government or by a local authority or road-authority of any work required by this Regulation or by an order to be done by a promoter, and the cost incurred by a road-authority in removing a tramway and reinstating a road under this Regulation may, without prejudice to any other remedy that the authority to which the money is due may have by suit or otherwise, be recovered by that authority, on application made in this behalf to the Deputy Commissioner, as if the sum due were an arrear of land revenue due by the promoter or lessee or his surety (if any) :

Recovery of money due from promoters and, in certain cases, from lessees.

Provided that nothing in this section shall authorise the arrest of the promoter or lessee or his surety in execution of any process issued by the Deputy Commissioner.

37. (1) If a licensee fails to pay on demand the tolls due for the use of a tramway, the promoter or lessee to whom the tolls are due may, without prejudice to the remedy which he may have by suit, apply to a Magistrate to recover the amount of the tolls, and the Magistrate may, after giving notice to the licensee if possible and allowing him an opportunity of being heard, proceed to recover the amount by distress and sale of any carriages or

Recovery of tolls from licensees.

other movable property of the licensee which may be found on the tramway or on premises connected therewith.

(2) When a licensee has failed to pay on demand the tolls due from him, the promoter or lessee to whom the tolls are due may seize any carriage or other movable property of the licensee on the tramway or on premises connected therewith, and detain the same for forty-eight hours unless the tolls are sooner paid.

(3) When application is made to a Magistrate under sub-section (1), he may make an *interim* order of distraint pending his final decision.

Recovery of
tolls from
passengers.

38. Any toll due to a promoter, lessee or licensee from a passenger may be recovered either by suit or, on application to a Magistrate having jurisdiction within any local area in which any part of the tramway is laid, by distress and sale of any movable property belonging to the passenger within the local limits of the jurisdiction of the Magistrate.

Savings.

Promoter to
have right of
user only.

39. (1) Notwithstanding anything contained in this Regulation, or in an order or any rule made under this Regulation, a promoter shall not acquire any right other than that of user only over a road along or across which he lays a tramway, nor shall anything contained in this Regulation, or in an order or any rule made under this Regulation, exempt the promoter of a tramway, or any other person using the tramway, from the payment of such charges as may lawfully be levied in respect of the use of a road or bridge along or across which the tramway is laid.

(2) The Government may, if it thinks fit, fix rates at which a promoter, lessee or licensee may compound for the charges payable in respect of the use of a road or bridge.

Saving of
power over
roads traversed
by tramways.

40. (1) Nothing in this Regulation, or in an order or any rule made under this Regulation, shall take away or abridge any power which a road-authority, local authority or other person has by law to break up, widen, alter, divert or improve a road, rail road or tramway along or across which a tramway is laid.

(2) The road-authority, local authority or other person executing any work referred to in sub-section (1) shall not be liable to pay to a promoter, lessee or licensee any compensation for injury done to a tramway, by the execution of the work or for loss of traffic occasioned by

the reasonable use of any power lawfully exercised for the execution thereof.

41. Nothing in this Regulation, or in an order or any rule made under this Regulation, shall affect the powers of a local authority or of a Magistrate or police officer to regulate the passage of traffic along or across a road along or across which a tramway is laid; and the authority, Magistrate or officer aforesaid may exercise its or his powers as well on as off the tramway and with respect as well to the traffic of a promoter, lessee or licensee as to the traffic of other persons.

Savings of power of local authority and police to regulate traffic on roads.

Supplemental Provisions.

42. A promoter, lessee or licensee shall be answerable for all injuries happening through his act or default, or through the act or default of any person in his employment, by reason or in consequence of any of his carriages or works, and shall save harmless all authorities and persons collectively and individually, and their officers and servants, from all damages and costs in respect of injuries so happening.

Promoters, lessees and licensees to be responsible of all injuries

43. For the purposes of this Regulation, want of funds shall not be deemed to be a sufficient reason for the suspension of the construction, or the discontinuance of the working, of a tramway, by a promoter or lessee.

Want of funds not sufficient reason for default.

44. When a tramway is constructed under this Regulation within the limits of a municipality, the Government may exempt the animals, plant, rolling-stock, yards, workshops, engine-sheds and depots of the promoter, lessee or licensee, for such period as it thinks fit, from all or any municipal taxes leviable within those limits.

Power to exempt from Municipal taxation.

45. (1) The fund to or with the control or management of which the local authority of a municipality or district is entitled or entrusted shall, notwithstanding anything in any enactment respecting the purposes to which that fund may be applied, be applicable, subject to the control of the Government, to the payment of expenses incidental to the exercise of the powers and functions which may be vested in or exercised by a local authority under this Regulation.

Application by local authorities of local funds to tramways.

(2) The fund shall also be applicable, with the previous sanction of the Government, to a guarantee of the payment of interest on money to be applied, with the

concurrence in writing of the local authority, within the limits of the local area under its control, to any of the purposes to which the fund might be applied by the local authority under sub-section (1).

Prohibition of construction of tramways except under this Regulation.

46. (1) No tramway shall be constructed for public traffic except in pursuance of an order made under this Regulation.

(2) A person constructing a tramway in contravention of sub-section (1) of this section,

or maintaining or using for public traffic a tramway otherwise than in pursuance of an order made under this Regulation,

shall be liable, on the complaint of the Government or local authority, to double the penalty to which a promoter acting otherwise than in accordance with an order is liable under section 27.

Transfer of control on exclusion of local area from circle of authority.

47. If at any time a local area comprising a tramway to which this Regulation or any part thereof or any rule thereunder applies, ceases to be included in the circle of a local authority, the functions of that authority under this Regulation or the part thereof or the rule thereunder and under the order (if any), shall, in respect of that local area, devolve on the Government or, if the Government so directs, on the local authority of the circle in which the tramway has been included.

Special provision in regard to tramways constructed by Government.

***47A.** (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time—

- (a) to construct a tramway within any area to be worked by steam or other mechanical or electrical power ;
- (b) to retain the management and maintenance of any such tramway, or to entrust the same in whole or in part to any agency it thinks fit, or to resume the same from such agency ;
- (c) to prescribe, by notification in the Official Gazette, rules having the force of law, for the proper management and maintenance of any such tramway and for the regulation of all matters and things connected therewith, and to affix a penalty not exceeding two hundred rupees for the infringement of any such rule.

(2) The provisions of the preceding sections of this Regulation shall not apply to any such tramway as is mentioned in sub-section (1) except to the extent, if any, to which the same may be applied by Government from time to time, by notification published in the Official Gazette, and subject to such modifications, if any, as may be directed in such notification.

48. All powers conferred by this Regulation on the Government may be exercised from time to time as occasion requires.

Powers of
Government
exercisable
from time to
time.



THE
MYSORE MINES REGULATION,
1906.

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REGULATION No. IV OF 1906.

*(Passed on the 24th day of July 1906.)***A Regulation to Consolidate and Amend the Law Relating to Mines in Mysore.**

WHEREAS it is expedient to consolidate and amend the law relating to Mines in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

PRELIMINARY.

1. This Regulation may be called "The Mysore Mines Regulation, 1906."

Short title.

It extends to the whole of Mysore, and shall come into force on the first day of September 1906.

Local extent and commencement.

2. The Mysore Mines Regulation, 1897, and Regulations I and VI of 1900 are hereby repealed.

Repeal.

3. In this Regulation, unless there be something repugnant in the subject or context.

Interpretation.

(1) "Mining operation" includes—

Mining operation.

(a) the carrying on of any underground or surface work in connection with the prospecting for, or the mining, winning, dressing, milling and treatment of ores, minerals and mineral products of every description;

(b) the erecting, making and using of, and otherwise dealing with, for purposes of such work, any railway, tramway, road, building machinery and other plant; and

(c) the manufacture, carriage, storage and use of all explosives, chemicals and other materials to be employed in such work.

(2) "Mining Block" means any block or area of land in and upon which the right to carry on mining operations is held by a Mining Proprietor under a Mining Lease granted by the Government.

Mining Block.

(3) "Mine" means any place above or below ground where any mining operation is carried on, and includes all such portions of the surface of any mining block

Mine.

whereon the right of entry, has been acquired by purchase or otherwise by a Mining Proprietor.

Mining
Proprietor

(4) "Mining Proprietor" or "Proprietor" means any person or persons or company on whose behalf any mining operations are carried on.

Mining
Superintendent.

(5) "Mining Superintendent" or "Superintendent" means the person who is the local representative of a Mining Proprietor, and includes an Agent or Manager in charge of any mine on behalf of a Mining Proprietor.

Mining
material.

(6) "Mining material" includes—

(a) alluvial gold, gold ores, native gold, precious stones and other rocks and minerals of value ;

(b) gold amalgam, sponge gold, zinc precipitates, slags, concentrates, tailings, residues and other valuable mineral products of mines in any stage of treatment or extraction ; and mercury, potassium cyanide and other chemicals, apparatus, tools marked with the distinguishing mark of the mine, and materials used in such treatment and extraction ;

(c) dynamite, nitro-glycerine, blasting gelatine, gelatine dynamite, fuse, detonators and other explosives used or intended to be used in mining operations ;

(d) stearine candles distinguished by the wax being of light pink colour ; and

(e) such other materials and things used or intended to be used in mining operations as may be declared by the Government from time to time, by notification published in the Official Gazette, to be mining materials.

Unwrought
gold.

(7) "Unwrought gold" includes bar gold, gold bullion and any alloy containing gold in any form whatever which though smelted is not made up into articles of jewellery, vessels, coins, or other articles of use or commerce.

Gold dealer.

(8) "Gold dealer" means any person who buys or sells unwrought gold, or receives unwrought gold by way of barter or pledge.

Goldsmith.

(9) "Goldsmith" means any person who, by profession, melts, refines or works in unwrought gold or silver, or engages in the melting or manufacture of articles made of gold or silver or of alloys containing gold or silver, and includes a silversmith.

Inspector of
Mines.

(10) "Inspector of Mines" includes any officer to whom all or some of the duties of an Inspector of Mines under this Regulation shall have been delegated, by a

general or special order of the Government, so far as the performance of such duties is concerned.

PROTECTION OF MINING PROPERTY.

4. (1) The provisions of sections 5 to 20, inclusive, shall not apply to any local area unless extended thereto by the Government by a notification published in the official Gazette.

Sections 5 to 20 may be applied to specified areas.

(2) The Government may, by a like notification, cancel or modify any notification issued under subsection (1).

5. No person shall purchase or take in barter or exchange any mining material belonging to a Mining Proprietor without the written permission of such Mining Proprietor or his Superintendent, nor shall any person, without such written permission, receive, convey, or except in such places as may be specially authorized, keep, any such mining material otherwise than for use for mining purposes on behalf of such Mining Proprietor or his Superintendent.

Mining materials not to be purchased, conveyed or kept without written permission.

6. Any person found to be in possession of any mining material without the written permission of a Mining Proprietor or Superintendent, and unable to prove that his possession of the same was obtained in a lawful manner, shall, on conviction before a Magistrate, be liable to the penalty provided in section 13.

Penalty for unlawful possession of mining materials

7. It shall not be lawful for any person to buy or sell unwrought gold or to receive unwrought gold by way of barter or pledge without a gold dealer's license, nor to carry on the profession of a goldsmith without a goldsmith's license as hereinafter provided.

Licenses required for gold dealer and goldsmiths.

Provided that it shall not be necessary for a Mining Proprietor to take out a goldsmith's license on account of the smelting, refining or other preparation of any gold obtained from his mine by any persons acting on his behalf.

8. (1) The licenses referred to in section 7 may be issued by a Magistrate of the First Class on payment of such fees as the Government may by rule prescribe in that behalf. and every license shall terminate on the 31st day of December of the year in which it is issued.

Power to grant a license.

(2) Every gold dealer's and every goldsmith's license and every application for a license, shall,

respectively be in such forms as may be prescribed by Government.

Power to
cancel a
license.

9. No license shall be issued to any applicant unless the Magistrate is satisfied that he is a person of good character and reputation, and it shall be in the absolute discretion of the Magistrate to grant or withhold such license as he may think fit. Any license may be cancelled by a First Class Magistrate on the licensee being convicted of any offence—such conviction not being reversed on appeal or in revision—which in the opinion of the Magistrate renders him unfit to hold a license. Provided that any decision under this section by a Magistrate other than the District Magistrate shall be appealable to the District Magistrate, whose order shall be final.

Books to be
maintained.

10. (1) Every licensed gold dealer shall keep at his place of business a book (hereinafter called a gold dealer's register) in which the receipt or disposal of all gold, unwrought gold shall be immediately entered in such forms as may be prescribed by Government.

(2) Every licensed goldsmith shall keep at his place of business a book (hereinafter called a goldsmith's register) in which the receipt or disposal of all gold, silver, gold or silver jewellery, unwrought gold or other gold stuff, received, treated or disposed of, by him shall be immediately entered in such form as may be prescribed by Government.

(3) Every gold dealer's register and every goldsmith's register together with any article or items of gold referred to therein and in the possession of the licensee shall be open to inspection at any time by any police officer not below the rank of Chief Constable, or any police officer specially authorized in this behalf by the Superintendent of Police or by a First Class Magistrate; provided that the person making such inspection shall not divulge the result thereof to any person other than a police officer or Magistrate or by order of a court, under a penalty on conviction not exceeding one hundred rupees.

Goldsmiths
not to deal
with gold, etc.
until after
three days of
receipt.

11. No licensed goldsmith shall smelt, work, use or deal with any of the articles directed to be entered in his register under section 10 until after the expiry of three clear days from the time when such article is received by him. Provided that this section shall not apply to the repairing of articles of jewellery by a

goldsmith in any way which does not change or destroy the identity of such articles.

12. It shall not be lawful for any person to have in his possession any unwrought gold unless he holds a gold dealer's license or a goldsmith's license or unless he is a Mining Proprietor or duly accredited person acting on behalf of a Mining Proprietor.

Possession of unwrought gold unlawful except in certain cases.

13. Any person committing an offence under sections 5, 6, 7, 11 or 12 shall, except in the case mentioned in the proviso to sub-section (3) of section 10, be liable on conviction to fine not exceeding five hundred rupees, or imprisonment of either description for a term which may extend to one year, or both.

Penalty for breach of Sections 5, 6, 7, 10, 11 or 12.

14. It shall be in the discretion of the Magistrate, in the case of any person not being a female or other person exempted under section 393 of the Code of Criminal Procedure, who shall be convicted of a second offence under sections 5, 6, 7 or 12, to award whipping under the provisions of the Mysore Whipping Regulation, V of 1903, either in substitution of, or in addition to, the penalty provided in section 13.

Substitution or addition of whipping in certain cases.

15. Any police officer not below the rank of an officer in charge of a police station may search any person or any house, building or place for the discovery of any mining material, unwrought gold or other thing with, or in respect of, which an offence under this Regulation is reasonably suspected to have been committed.

Power to search.

16. Any person being the tenant or occupier or reputed tenant or occupier of any premises, at the time when any unwrought gold or mining material reasonably suspected of being stolen or unlawfully obtained is found thereon and seized by any police officer, shall be deemed to have been in possession of such unwrought gold or mining material within the meaning of section 12 or 6, as the case may be, until he proves the contrary.

Liability of tenant or occupier of premises in regard to unwrought gold or mining material seized therein.

(a) 17. The Superintendent of Police for the Kolar Gold Fields, may by order in writing, direct any person, whose residence within such area as may be notified by Government from time to time is considered undesirable, to quit the said area within twenty-four hours and such person shall not, after the lapse of the said time, remain at or re-enter the said area without the permission of the said Superintendent of Police.

Liability of undesirable person to be ordered off any mine or cooly colony.

(a) This was substituted for the original by Regulation IX of 1914.

An order passed under this section may be cancelled by the Superintendent of Police or by the District Magistrate.

License
required for
hawkers and
pedlars

18. No hawker or pedlar shall carry on his business without a license in writing obtained for that purpose from a Magistrate of the First Class. Licenses shall be issued subject to such conditions and the levy of such fees as Government may prescribe.*

Penalty for
breaches of
sections 17
and 18.

19. Any person committing* any act 'prohibited' under section 17 or 18 shall be liable on conviction to fine not exceeding one hundred rupees or imprisonment of either description for a term not exceeding three months, or both,

Cognizability
of offences by
the Police.

20. All offences under sections 5, 6, 7, 10, 11, 12, 16, 17 and 18 of this Regulation shall be cognizable by the Police.

SAFETY AND DISCIPLINE OF MINING EMPLOYEES AND INSPECTION OF MINES.

Government
may frame
general or
special rules.

21. All mining operations carried on in Mysore shall be conducted in accordance with such general or special rules for the prevention of danger to human life or safety and for the reporting and investigation of accidents and other matters connected with such mining operations as may from time to time be prescribed in that behalf by the Government.

Further rules
by Mining
Proprietors.

22. (1) Each Mining Proprietor may, either directly or through his Superintendent, prescribe, with the previous sanction of the Government, such further rules, not being inconsistent with this Regulation or the rules issued under the last preceding section, for the conduct and guidance of persons who have the management of his mine, and of those who are employed in or about the said mine, as may be considered necessary to meet the particular circumstances of the said mine, and calculated to prevent accidents likely to cause danger to human life or safety, and to provide for the safety and proper discipline of the persons employed in or about the said mine.

(2) The Government may at any time cancel or vary any sanction granted under this section.

*The last sentence of this section was omitted by Regulation IX of 1914.

[—] These words were substituted for the original words by Regulation IX of 1914

23. Every Mining Proprietor and his Superintendent shall publish the rules prescribed under sections 21 and 22 of this Regulation in such manner that all persons engaged in or about the mine shall have an opportunity of knowing adequately such rules as may relate to the work they are employed upon.

Publication
of rules.

24. Every person who contravenes, or does not comply with, any rule duly prescribed under section 21 shall, for every such offence, be liable to a fine not exceeding one hundred rupees;

Penalty for
breach of
rules.

and in the case of any contravention of or non-compliance with, any such rule by any person whatsoever being proved, the Superintendent of the Mine shall be liable to a like penalty, unless he proves that he had taken all reasonable means by publishing and to the best of his power, enforcing the said rule in the working of the mine to prevent such contravention or non-compliance.

Liability of
Superinten-
dent.

25. The Government may appoint an officer to be called the Inspector of Mines, whose duty it shall be to inspect and examine the mines periodically for the purpose of satisfying himself that the provisions of this Regulation and the rules prescribed under sections 21 and 22 thereof are strictly enforced, and for enquiring generally into the mode of carrying on mining operations.

Appointment
of Inspector
of Mines.

26 The Inspector of Mines shall have power to do all or any of the following things, namely:—

Powers of
Inspector

(i) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Regulation and the rules framed thereunder are complied with in the case of any mine;

(ii) to enter, inspect and examine any mine and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct unreasonably the working of the mine;

(iii) to examine into, and make enquiry respecting the state and condition of any mine or any part thereof and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine and all matters and things connected with or relating to the safety of the persons employed in or about the mine; and

(iv) to exercise such other powers as may be necessary for the due discharge of his duties under this Regulation.

The examination and enquiry referred to in this section may be carried on by any officer to whom the Inspector of Mines may, in accordance with a general or special order of the Government, delegate the same.

Mining
Proprietor or
Superintendent to afford
facilities to
Inspector.

27. Every Mining Proprietor or Superintendent shall furnish the Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry under this Regulation, and in case of non-compliance with such requisition, shall be liable to a fine not exceeding one hundred rupees.

Notice of
defects by
Inspector of
Mines.

28. If the Inspector of Mines finds that in any mining operation, the provisions of this Regulation or of the rules thereunder are not duly observed, or that any mine or part thereof or any matter, thing or practice in or connected with such mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten or tend to the bodily injury of any person, he may give notice in writing to the Mining Proprietor or his Superintendent, stating the particulars in which he considers the provisions of this Regulation or the rules aforesaid are not observed, or the mine or any part thereof or any matter, thing or practice is dangerous or defective, and require the same to be remedied within a specified time.

Report to
Magistrate
and
Government.

29. The Inspector of Mines shall forthwith forward to the Magistrate of the District, and to any other Magistrate specially empowered by the Government, a copy of every notice under section 28 which requires anything to be done or remedied so as to prevent danger to human life or safety, and he shall also report to such Magistrate as aforesaid the compliance or non-compliance with every such notice as aforesaid.

The Inspector of Mines shall report to the Government every non-compliance with a notice issued under section 28.

Objection by
Mining
Proprietor.

30 If the Mining Proprietor or his Superintendent objects to comply with any requisition in a notice under section 28, he may within 10 days after receipt of the notice, send his objection in writing, stating the grounds thereof, to the Government, and thereupon the matter shall be determined by arbitration in the manner provided by this Regulation.

Provided that nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure.

Rules for
Arbitrations.

31. Arbitrations under this Regulation shall be conducted in accordance with the following provisions :—

(a) Within fourteen days after the lodging of an objection under the last preceding section, the Mining

Proprietor or Superintendent, and the Inspector of Mines on behalf of the Government, who shall both be deemed to be parties to the arbitration, shall each nominate an arbitrator.

(b) The arbitrators, before entering upon their duties, shall nominate another person as umpire.

(c) No person who has no knowledge of mining work shall be an arbitrator, and no person who is not a Justice of the Peace or a District Judge or a Magistrate of the First Class shall be an umpire; nor shall any person act as arbitrator or umpire who is employed or interested in the management of the mine to which the arbitration relates. Every objection to the qualification of an arbitrator shall be preferred in writing at the earliest opportunity to the Magistrate of the District, whose decision thereon shall be final.

Provided that no such objection shall be taken after the award has been made.

(d) If the arbitrator appointed by either party fails to proceed with the arbitration for seven days consecutively, or if he cannot proceed with it owing to death, sickness or other cause, the other party may, by notice in writing, require the appointment of another person in his place.

(e) If the umpire similarly fails to act in the matter of arbitration, either party may call on the arbitrators to appoint another person in his place.

(f) If, within seven days after the receipt of a notice under clause (d) or (e), no new arbitrator or umpire has been appointed, or where the arbitrators do not agree to appoint an umpire, the District Magistrate shall, on the application of any of the parties, appoint a proper person as arbitrator or umpire as the case may be.

(g) The arbitrators or the umpire, as the case may be, may examine the parties and their witnesses on oath; and for this purpose, any magistrate having local jurisdiction shall, on their requisition in writing, summon the witnesses to appear before them or produce documents in their possession.

(h) When both the arbitrators are agreed on the matters referred to them, their decision shall be final; but whenever there is a difference on all or any of such matters, the matters in difference shall be submitted to the umpire, whose decision thereon shall be final.

(i) The payment (if any) to be made to an arbitrator or umpire for his services shall be fixed by the

Government; and, together with the costs of the arbitration or award (to be taxed as in a proceeding in a Civil Court), shall be paid by the parties or one of them as the award may direct.

(j) Every proceeding held by the arbitrators or umpire under this section shall be deemed to be a judicial proceeding within the meaning of Sections 193, 219 and 228 of the Indian Penal Code.

(k) The Government may, from time to time, make such additional rules as it may deem necessary for the conduct of arbitrations under this Regulation, but not so as to be inconsistent with any of its provisions.

Penalty for non-compliance with Inspector's order or award of arbitrators.

32. Any person who intentionally or negligently omits to comply with a notice under section 28 except when an objection has been duly lodged under section 30, or with the terms of an award made under section 31, shall, for every such omission, be liable to a fine not exceeding one thousand rupees; and in case the omission has been intentional, to a further fine not exceeding one hundred rupees for each day the omission continues:

Provided that the Court, if satisfied that the Mining Proprietor or Superintendent has taken active measures for complying with the notice or award, but has not with reasonable diligence been able to complete the works, may adjourn the proceedings taken before it for punishing the offence, and if the works are completed within a reasonable time, no penalty shall be inflicted.

Imprisonment for offences calculated to endanger the safety of persons.

33. Where any person is guilty of any offence under this Regulation which, in the opinion of the Magistrate who tries the case, is one which was reasonably calculated to endanger the safety of any person or cause serious personal injury to any person or to cause a dangerous accident, and was committed by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the Court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment of either description for a period not exceeding three months.

SANITATION.

Power of Government to make rules for sanitation and sanitary administration.

34. (1) The Government may, from time to time, make rules for the special sanitation and sanitary administration of any local area within which mining operations may be carried on.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide—

(a) for regulating the disposal of kitchen and stable refuse, animal refuse of all kinds, and night-soil or other such offensive matter;

(b) for conserving and guarding against pollution all sources of water-supply;

(c) for preventing overcrowding in bazaars, in cooly lines, and in streets or houses for work-people or others;

(d) for the proper cleansing of drains, sewers, latrines and urinals;

(e) for regulating the keeping of cattle and other animals, the location of sheds for them, and the fixing or licensing of slaughter-houses; and authorizing the levy of rent or fees for the use of the same or a fee on each animal slaughtered therein at such rates as may be prescribed from time to time; and

(f) for the proper and timely treatment of persons affected with cholera or other epidemic disease and for preventing the spread of such disease by temporarily prohibiting persons affected or suspected to be affected with it from moving to or from particular specified places or travelling on particular specified routes.

(3) The local area for which the rules under this section are made shall be described in a notification published in the Official Gazette.

35. (1) For the purpose of carrying out the rules made under the last preceding section, the Government may appoint any persons, official or non-official or both, residing within or in the vicinity of such area, to constitute a Sanitary Board, and invest such Board with powers for the enforcement of the said rules, and prescribe the mode in which such Board shall conduct its business for carrying out the said rules.

Constitution
of a Sanitary
Board.

(2) The powers with which the Sanitary Board may be invested under this section include—

(a) power to prescribe bye-laws, with the previous sanction of Government, for the special sanitation of the area under its authority and for the conduct of its business;

(b) power to levy, with the like sanction, such tax, rate or cess within the said area as a Municipal Council would be competent to levy under the law in force relating to Municipalities.

Punishment
for breach of
rules and bye-
laws.

36. For every breach of a rule made under section 34 or of a bye-law made under section 35, the offender shall be liable to a fine not exceeding rupees one hundred.

Fines to be
credited to the
funds of the
Sanitary
Board.

***36A.** All fines imposed for the breach of any bye-law made under sub-section (2) of section 35 shall when recovered be credited to the funds of the Sanitary Board constituted under sub-section (1) thereof.

GENERAL.

Rules requir-
ing returns
and delivery
of specimens.

37. The Government may frame rules requiring the delivery of periodical returns of work done, workmen employed, the outturn from the mine of minerals and mineral ores, and such other information as the Government may think fit to demand, and for the furnishing of samples of quartz and other rocks and minerals mined or met within the course thereof, and prescribe a fine not exceeding one hundred rupees for every breach of such rules.

Abetment of
offences
under this
Regulation.

38. The abetting (within the meaning of the Indian Penal Code) of any offence under this Regulation shall be punishable in the same manner as the offence itself.

Offences
against Regu-
lation and
rules by
whom cogniz-
able.

39. All offences punishable under this Regulation and all breaches of any rules or bye-laws made thereunder shall be cognizable by the District Magistrate or a Magistrate of the First or Second Class.

Provisions of
the Code of
Criminal Pro-
cedure to
apply to
searches.
Publication
of rules and
bye-laws.

40. The provisions of the Code of Criminal Procedure relating to searches shall, so far as may be, apply to all searches made or instituted under this Regulation.

41. All rules and bye-laws made under this Regulation shall be published in the official Gazette, and shall thereupon have the force of law.

REGULATION No. V OF 1906.

*(Passed on the 14th day of August 1906.)***A Regulation further to amend the Mysore
Excise Regulation V of 1901.**

Whereas it is expedient further to amend the Mysore Excise Regulation, 1901 (hereinafter referred to as "the said Regulation") ; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. This Regulation may be cited as the Mysore Excise (Amendment) Regulation, 1906.

Short title.

2. The following shall be inserted in the said Regulation as section 5-A:—

Insertion of a new section after section 5.

"5-A. The Government may, by notification, and subject to such conditions as may be prescribed in such notification, empower all or any of the officers or classes of officers or persons mentioned in section 34, either by name or in virtue of their office, throughout Mysore or in any local area, to admit a person arrested under that section to bail to appear, when summoned or otherwise directed, before an Excise Officer having jurisdiction to enquire into the offence for which such person has been arrested, and may cancel or vary such notification."

Power of Government to authorise officers to admit persons arrested to bail

3. The following shall be added as a proviso to section 34 of the said Regulation:—

Addition of a proviso to section 34.

"Provided that if the officer or person making the arrest under this section be not empowered under section 5-A to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered if there be such an officer within a distance of five miles from the place where such arrest took place."

Procedure in case of person arresting not being empowered under section 5-A.

"And it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearance before an Excise Officer having jurisdiction to enquire into the case."

4. In section 40, sub-section (1), of the said Regulation, between the words "accepted under the provisions

Amendment of section 40.

of section 31 " and the word " forthwith " the following words shall be inserted, namely :—

" or of section 34 ; "

and in sub-section (3), between the words " on bail " and the words " such officer " the following words shall be inserted, namely :—

" or when such Excise Officer as aforesaid has himself made the arrest. "

Addition of a proviso to section 40.

Power of Excise officer to admit persons to bail to appear before himself or other officer having jurisdiction.

5. The following shall be inserted as a proviso to section 40 of the said Regulation :—

" Provided that if such enquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such Excise Officer, the said officer shall, if sufficient bail be tendered for the appearance of the person arrested, admit the said person to bail to appear on any subsequent day before himself or any other Excise Officer having jurisdiction to enquire into the case. "

REGULATION No. VI OF 1906.

*(Passed on the 20th day of August 1906.)***A Regulation further to amend the Mysore Land Revenue Code, IV of 1888.**

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows:—

1. For section 4 of the Mysore Land Revenue Code, 1888, the following shall be substituted, namely:—

“4 (1) The Chief Controlling authority in all matters connected with the land revenue is vested in the Revenue Commissioner, subject to Government.

“(2) The Revenue Commissioner shall be appointed by Government, and shall exercise the powers and discharge the duties conferred and imposed on the Revenue Commissioner under this Regulation, or under any other law for the time being in force, and, so far as is consistent therewith, all such other powers or duties of appeal, superintendence and control within the territories of Mysore, and over the officers subordinate to him as may from time to time be prescribed by Government.

“(3) The Revenue Commissioner shall have such number of Assistants as the Government may from time to time sanction, their appointment being made by Government. Assistants so appointed shall perform such duties as the Revenue Commissioner may from time to time direct.”

2. In section 6 of the said Code, after the words “Deputy Commissioner of the District” there shall be inserted the words “and shall be subordinate to the Revenue Commissioner.”

3. In Sub-section (2) of section 8 of the said Code, the words commencing from “and his immediate superior authority” down to the end shall be repealed.

4. In sections 12, 32, 40, 49, 109, 150, 158 and 165 of the said Code, the words “Revenue Commissioner” shall be substituted for the word or words “Government” or “the Government” as the case may be,

Preamble.

Substitution of new section for section 4, Regulation IV of 1888.

“Chief Controlling authority in Revenue matters.

“Powers and duties of Revenue Commissioner.”

“Assistants to Revenue Commissioner.”

Amendment of section 6.

Repeal of certain words in section 8 (2).

Amendment of sections 12, 32, 40, 49, 109, 150, 158 and 165.

Amendment
of section 14.

5. In section 14 of the said Code, after the words "of the Government" there shall be inserted the words "and of the Revenue Commissioner."

Amendment
of section 15.

6. In section 15 of the said Code, for the words "the Government shall prescribe" there shall be substituted the words "subject to the general orders of Government, the Revenue Commissioner shall prescribe."

Amendment
of section 20.

7. In section 20 of the said Code, the words "the Revenue Commissioner" shall be inserted between the words "namely" and "the Deputy Commissioner."

Amendment
of section 36.

8. In section 36 of the said Code, between the words "Deputy Commissioner" and the words "to dispose," there shall be inserted the words "subject to the orders of the Revenue Commissioner;" and between the words "authorised" and "by Government," the words "by general rules sanctioned by Government."

Amendment
of section 39.

9. (1) In section 39 of the said Code, the words "the Government may at any time whatsoever and" shall be repealed; and for the words "survey officers may" there shall be substituted the words "it shall be lawful for survey officers;" and between the words "Regulation" and "set apart" there shall be inserted the words "and at any other time for the Revenue Commissioner, to".

(2) In the same section for the words "the Government" where they last occur, the words "the Revenue Commissioner" shall be substituted.

Amendment
of section 158.

10. In section 158 of the said Code for the words "and shall fix" there shall be substituted the words "and with the sanction of the Government, shall fix."

Amendment
of sections 160
and 189.

11. In sections 160 and 189 of the said Code, for the words "the Government" and the word "Government" there shall in each case be substituted the words "the Revenue Commissioner, under the orders of Government."

Amendment
of section 164.

12. In section 164 of the said Code, for the words "the Government may" there shall be substituted the words "the Revenue Commissioner may, with the sanction of Government."

Addition of
new sub-section
to section
210.

13. To section 210 of the said Code, the following sub-section shall be added, namely:—

"Appeal from
Revenue Com-
missioner's
appellate
decisions to be
limited to cer-
tain points."
Repeal of
Schedule 1.

"(2) No appeal shall lie to Government from an appellate decision or order passed by the Revenue Commissioner except on a point of law or usage having the force of law."

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17. Term of office.
18. Casual vacancies how to be filled up.
- 18A. Casual vacancies occurring by increasing the number of Councillors.
19. Re-eligibility of Councillors.
20. Publication of names of Councillors in the Official Gazette.

(4) *Municipal Elections.*

21. General disqualifications of voters.
22. (1) Determination of validity of elections.
- (2) Powers of Judge holding enquiry.
- (3) (a) Declaration in case of corrupt practice by a candidate.
- (b) Scrutiny of votes and declaration in other cases.
- (4) What is a corrupt practice.
- Candidate when deemed to have committed corrupt practice.
- Promise of individual profit.
- (5) Mere irregularities and informalities not to invalidate election.
- (6) Disqualification of candidate for corrupt practice.

(5) *Presidents and Vice-Presidents.*

23. (1) Every Municipal Council to have a President and if Government so directs, one or more Vice-Presidents.
- (2) President how to be selected.
- (3) Effect of notification of *ex-officio* President.
- (4) Vice-President how to be selected.
- (5) President during the period intervening the expiry of the term of a President and the appointment of another one.
- (6) Consequences of absence of President or Vice-President without leave.

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- (7) Limit of grant of leave and arrangements during leave.
- (8) Term of office of President and their liability to be removed.
- (9) Vacancies in their office how to be filled.
- (10) Remuneration of president and Vice-President of Municipal Council.
- 23A. Municipal Government to vest in the Municipal Council.
- 24. (1) Functions of Presidents.
- (2) Presidents in what cases to have a casting vote.
- 24A. Official correspondence between a City Municipal Council and the Government.
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CHAPTER III—CONDUCT OF BUSINESS.

(1) *Municipal Meetings.*

- 26. Provisions in regard to meetings of a Municipal Council.
 - (1) Ordinary general meetings.
 - (2) Special general meetings.
 - (3) Notice to be given of meetings.
 - (4) Municipal meetings to be held at Municipal Office.
 - (5) Every meeting how presided over in the absence of the President and Vice-President.
 - (6) Meeting must ordinarily be open to the public.
 - (7) Number of councillors required to form a quorum.
 - (8) What business to be transacted at meetings and order of business how to be settled.
 - (9) Minutes of proceedings to be kept.
 - (10) All questions must be decided by a majority of votes.
 - (11) Adjournments of meetings.
 - (12) Modification and cancellation of resolutions.
 - (13) Notice of business to be transacted must in certain cases be given to the Government Executive Engineer or Educational Inspector.
 - (14) (a) Certain Government officers may attend meetings of Municipal Councils.
 - (b) Municipal Council may require the presence of certain of the said officers at their meetings.
- 26A. Right of Municipal Commissioner to be present and to speak at Municipal meetings.
- 26B. Rights of Municipal Councillors during Municipal meetings to interpellate, point out defects, etc.

(2) *Committees.*

- 27. (1) Managing Committees.
- (2) Power of Managing Committees.

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28. School Committees.
29. Other Executive Committees.
- 29A. Economic Committee.
30. Consultative Committees.
31. When persons other than Councillors may serve on Committees.
Duties, etc., of such persons.
32. Casual vacancies—re-eligibility.
33. (1) When chairman to be *ex-officio*.
(2) When no *ex-officio* chairman, Municipal Council may appoint chairman.
(3) When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.
(4) If there is no chairman *ex-officio* or appointed by the Municipal Council.
34. (1) Procedure at meetings.
(2) Committee shall meet when they think proper.
(3) Number of members required to form a quorum at committee meetings.
35. (1) Procedure by circular.
(2) Propositions when to be sent to Government officers for remarks.
(3) Decisions how to be taken on propositions circulated.
(4) And how to be recorded.
(5) Procedure by circular when applicable to other municipal business.
36. (1) Subordination of Committees to instructions of Municipal Council and compliance with requisitions of Municipal Council.
(2) Order subject to revision and appeal.

(3) *Delegation of Powers to individuals.*
37. Powers, duties and functions may be delegated to officers whose expenses may be paid.

(4) *Validity of Proceedings.*
38. (1) Acts and proceedings of Municipal Council and committees not vitiated by disqualifications, etc., of members thereof.
(2) Proceedings of meetings to be good and valid until the contrary is proved.
(3) Vacancy not to affect Municipal Council's proceedings.

(5) *Joint transactions with other bodies.*
39. (a) Joint Committees of two or more Municipal Councils.
(b) Agreement for joint levy of octroi.

*(6) Contracts.***Sections.**

40. (1) Competency of Municipal Council to lease, sell and contract.
 (2) Subject in certain cases to sanction of Government.
 (3) Sanction by resolution at general meeting requisite to validity of certain contracts.
 (4) Sanction of Municipal Council when requisite in other cases.
 (5) Sanction by committee and individuals empowered.
 (6) Mode of executing contracts.
 (7) Invalidity of contracts unless requirements of this section are fulfilled.
 (8) The provisions of this section to be subject to those of Chapter XIII A.

(7) Compulsory Acquisition of Land.

41. Recourse to Land Acquisition Regulation, 1894.

(8) Liabilities of Councillors, Officers and Servants

42. Councillors to be held responsible for misapplied funds. Proviso.
 43. (1) Officer or servant of any Municipal Council not to be interested in any contract with such Municipal Council.
 (2) Effect of acquiring such interests.
 (3) Saving clause.
 44. Penalty for councillor, officer or servant of a Municipal Council being interested in any contract, etc., with that Municipal Council.
 45. Penalties imposed by the Indian Penal Code.

CHAPTER IV—RULES AND BY-LAWS.

46. Municipal Councils to make rules—
 (a) regulating the conduct of business;
 (b) fixing the functions of the President and establishment;
 (c) for general guidance of municipal servants;
 (d) fixing the amount of security to be furnished;
 (e) determining the mode of appointing, etc., municipal servants; delegating power to appoint, etc.;
 (f) granting leave to municipal servants;
 (g) fixing pensions;
 (h) contributing to provident funds;
 (i) prescribing the taxes, etc., to be levied for municipal purposes;
 (j) for writing off amounts due and remitting fees;
 Approval required to rules.

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Proviso as to officers transferred from or to the service of Government.

Assent of Government required in certain cases of dismissal.

47. Power to suspend, reduce or abolish any existing tax.
48. Power to make by-laws—
- (a) for markets and slaughter houses, etc. ;
 - (b) for licensing, regulating and inspecting certain business ;
 - (c) for licensing the use of steam whistles ;
 - (d) regulating the stalling of cattle ;
 - (e) for regulating dairies and cattle-sheds, milk stores, etc. ;
 - (f) for inspection of weights and measures ;
 - (g) for registration of births, etc. ;
 - (h) regulating the disposal of the dead ;
 - (i) for enforcing information as to epidemics .
 - (j) for enforcing information as to liability to municipal taxation ;
 - (jj) for registration of motor vehicles, bicycles or tricycles ;
 - (k) octroi by-laws ;
 - (l) for protecting water ;
 - (m) regulating public baths, etc. ;
 - (n) for conservancy ;
 - (nn) for constructing houses for the poor ;
 - (o) for the disposal of carcasses ;
 - (p) regulating structures and buildings ;
 - (pp) for regulating, construction or use of buildings for grainshops and stores and for regulating, construction or use of buildings so that they may not be a source of nuisance in residential localities, etc.
 - (q) for providing for streets ;
 - (r) for ensuring ventilation ;
 - (s) requiring qualified surveyors and plumbers in City Municipalities ;
 - (t) control of drains
 - (u) requiring information and plans in certain cases ;
 - (v) for controlling unwieldy traffic ;
 - (w) regulating Municipal Administration ;
Fine may be imposed for infringement of by-laws.
 - (2) Publication of drafts of proposed by-laws.
 - (3) Objections and suggestions to be submitted to Government.
49. Rules and by-laws to be printed and sold.

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50. (1) Power to acquire and hold property.
(2) Property vested in the Municipal Council.
(3) Power to Government to resume property.
51. Municipal Fund.
(a) Provision as to special trusts.
(b) When special trusts may be created.
52. Municipal property and funds how to be applied.
53. (1) Power to deposit and invest surplus funds.
(2) Surplus not so deposited or invested how to be dealt with.
- 53A. Power of Municipal Councils to borrow money.

CHAPTER VI—OBLIGATORY AND DISCRETIONAL FUNCTIONS OF MUNICIPAL COUNCILS.

54. Duties of Municipal Councils.
55. Special duties.
56. Discretionary powers of expenditure of Municipal Council.
57. Arrangements purporting to be binding permanently or for a term of years.
58. Management of public institutions maintained by Municipal Councils to vest in them.
- 58A. Extent of the independent authority of Municipal Councils in respect of Economic Development work, etc.
- 58B. Transfer by Government of the management of certain institutions to Municipal Council.

CHAPTER VII—MUNICIPAL TAXATION.

(1) *Imposition of Taxes.*

59. Taxes which may be imposed.
60. Procedure of Municipal Councils preliminary to imposing tax.
61. Power to sanction, modify and impose conditions.
62. Publication of sanctioned rules with notice.

(2) *Assessment of and Liability to Rates.*

63. (1) Preparation of an assessment list.
(2) Power to inspect.
(3) Returns to be furnished.
64. Publication of notice of assessment list.
65. (1) Public notice of time fixed for revising assessment list.

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- (2) Objections how to be made.
- (3) Hearing of objections.
- (4) Authentication of list.
- (5) Custody and inspection of list.
- (6) Authenticated list how far conclusive.
- 66. (1) Amendment of assessment list.
- (2) Objections how dealt with.
- (3) Effect of amendment.
- 67. New assessment list need not be prepared every year.
- 68. Tax from whom primarily leviable ; recovery from occupiers ; remedy of occupiers in such case.
- 68A. Notice to be given to Municipal Council of all transfers of title by persons liable to payment of taxes on buildings or lands.
- 68B Form of notice.
- 68C. Name of the transferee to be substituted in the Municipal Registers.
- 68D. Liability for payment of taxes on buildings or land to continue in the absence of notice of transfer.
- 69. Remission of tax in case of vacancy ;
 - (1) when obligatory.
 - (2) when discretionary.
 - (3) burden of proof on claimant.
 - (4) explanatory clause.

(3) Power to charge Fees.

- 70. (1) Municipal Council may charge fees for certain licenses.
- (2) Market and other fees.
- (3) Farming of fees.
- (4) Power of lessee to expel persons who refuse to pay fees.

(4) Special Provisions relating to certain Taxes.

- 71. (1) Fixed charge of and agreements for payment in lieu of taxes for water supplied.
- (2) Power to fix a special rate in lieu of special sanitary cess.
- (3) Power to compound tax on vehicles or animals.
- (4) Recovery of sums claimed under this section.
- 72. Certain rights not affected by section 71.
- 73. Power of Government to suspend or prohibit levy of objectionable taxes.
- 74. Power of Government to require Municipal Councils to impose taxes.

(5) *Octroi and Tolls.*

Sections.

- 75. Octroi by-laws to be submitted with proposal for imposition of octroi.
- 76. (1) Power to examine articles liable to octroi.
(2) Power to search where octroi is leviable.
- 77. (1) Presentation of bills for octroi.
(2) Penalty for evasion of octroi.
- 77A. (1) Penalty for selling articles liable to octroi without a license for being in possession of any such article on which octroi has not been paid.
(2) Seizure of articles on which octroi duty has not been paid and arrest of persons in possession of such articles.
(3) Searches and arrests to be governed by the provisions of the Criminal Procedure Code.
- 78. Tables of tolls to be shown on demand.
- 79. (1) Power to seize vehicle or animal on non-payment of octroi or toll.
(2) Notice of sale.
(3) Release of property on payment.
(4) Sale.
(5) Surplus how dealt with.
- 80. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.
- 81. Collection of octroi by one public body on behalf of others
- 81A. Farming of tolls.

CHAPTER VIII—RECOVERY OF MUNICIPAL CLAIMS.

- 82. (1) Presentation of bill for taxes.
(2) Contents of bill.
(3) If bill not paid within fifteen days notice of demand to issue.
- 83. (1) In what cases warrant may issue.
(2) Warrant by whom to be signed.
(2a) To whom the warrant should be addressed.
(3) Power of entry under special order.
(4) Warrant how to be executed.
- 84. (1) Sale of goods distrained.
(2) Application of proceeds of sale.
(3) Surplus, if any, how dealt with.
- 84A. Distraint and sale outside the Municipality.
- 85. Fees and costs chargeable.
- 86. Appeals to Magistrates.

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- 87. Liability of land, buildings, etc., for rates.
- 88. Suspension of power to recover by distress and sale.
- 89. Receipts to be given for all payments.

CHAPTER IX—MUNICIPAL POWERS AND OFFENCES.

(1) Powers in respect of Streets.

- 90. (1) Power regarding streets, etc.
- (3) & (4) { Power to require repair of streets and to declare such streets public.
- (5) Power to declare any street a public street subject to objections by the owners.
- 91. (1) New streets.
- (2) Power of Municipal Council to pass orders.
- (3) Right to proceed in certain cases.
- (4) Penalty.
- 91A. The regular line of public street.

(2) Powers to regulate Buildings, etc.

- 92. (1) Setting back projecting buildings.
- (2) Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.
- (3) Compensation payable by the Municipal Council.
- 93. Setting forward to regular line of street.
- 93A. Buildings at corner of streets.
- 94. (1) Roofs and external walls of buildings not to be made of inflammable materials.
- (2) Power to require removal of roof and wall if inflammable.
- (3) Penalty.
- 95. Level of buildings.
- 95A. Rat-proof building for warehouse for storing grain.
- 96. (1) Notice of new buildings.
- (2) Power of Municipal Council to pass orders.
- (3) Or to suspend the work or to require further particulars.
- (4) Right to proceed in certain cases.
- 97. Regulation of huts.
- 98. Improvement of huts.

(3) Powers connected with drainage, water-works, etc.

- 99. Municipal control over drains, etc.
- 100. Powers for making drains.
- 101. (1) Sufficient drainage of houses.
- (2) New buildings not to be erected without drains.

Sections.

- 102. Power of owners and occupiers of buildings or lands to drain into Municipal drains.
- 103. (1) Right to carry drain through land or into drain belonging to other persons how and on what conditions to be authorised by Municipal Council.
- (2) Written order of Municipal Council authority for execution of necessary work.
- 104. Work how to be carried out.
- 105. Rights of owner of land through which drain is carried in regard to subsequent building thereon.
- 106. Provision of privies, etc.
- 107. Cost of altering, repairing and keeping in proper order privies, etc.
- 108. Power to close existing private drains.
- 109. Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.
- 110. Encroachments on Municipal drains.
- 111. (1) Inspection of drains, etc.
- (2) Expense of inspection when to be borne by the Municipal Council.
- 112. (1) Municipal Council may execute certain works under this sub-chapter without allowing option to persons concerned of executing the same.
- (2) Expenses in such cases by whom to be paid.
- 112A. Power of carrying water mains, etc.

(4) *Powers regarding External Structures, etc.*

- 113. (1) Permission necessary for certain projections.
- (3) Removal of projections.
- 114. Troughs and pipes for rain-water.
- 115. Fixing of brackets, etc., to houses.
- 116. Naming streets and numbering houses.
- 117. Penalty for defacing building, etc.
- 118. Removal and trimming of hedges, trees, etc.

(5) *Powers for promotion of Public Health, Safety and Convenience.*

- 119. (1) Ruinous or dangerous buildings.
- (2) Action to be taken on default by owner or occupier. Proviso if danger is not imminent.
- 120. (1) Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.
- (2) Remedy on non-compliance with direction issued.

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- 121. (1) Displacing pavements, etc.
- (2) Penalty for failure to replace after notice.
- 122. Obstructions and encroachments upon public streets and open spaces.
- 123. Hoards to be set up during repairs, etc.
- 124. Fencing and lighting during repairs, etc.
- 125. Timber not to be deposited or hole made in a street without permission.
- 126. Dangerous quarrying.

(6) *Powers for the prevention of nuisances.*

- 127. Depositing dust, etc.
- 128. Discharging sewage, etc.
- 129. Non-removal of filth, etc.
- 130. Removal of night-soil.
- 131. (1) Filthy buildings, etc.
- (2) Deserted and offensive buildings.
- 132. Power to enter and inspect, etc., buildings.
- 133. Bathing places.
- 134. Fouling water.
- 135. Abatement of nuisances.
- 136. Using offensive manure, etc.
- 137. (1) Tethering cattle, etc.
- (2) Keeping swine.
- 137A. Licensing of goats.
- 138. Consumption of smoke.

(7) *Regulation of Markets, Sale of Food, etc.*

- 139. Licensing markets and slaughter-houses.
- 140. Opening, closing and letting of markets and slaughter-houses.
- 141. Slaughter-houses, etc., beyond municipal limits.
- 142. (1) Search for and inspection of unwholesome articles.
- (2) Adulterated articles for food or drink. Protection to persons acting in good faith.
- (3) Application for summons to be refused if not applied for within reasonable time.
- 143. False weights and measures.

(8) *Prevention of Dangerous Diseases.*

- 144. (1) Powers which may at any time be conferred.
- (4) Penalties for disobedience to an order passed in exercise of such powers.

Sections.

145. (1) Duties of Municipal Council on threatened or actual outbreak of dangerous disease.
(5) Penal clauses.
146. Withdrawal and modification of powers and orders.
147. Duties of Municipal Council in respect of diseases among horses, dogs, cattle, sheep or goats.
148. (1) Proceedings to abate the over-crowding of the interiors of buildings.
(2) Procedure of Magistrate.
149. Special powers which may be conferred by Government in respect of over-crowded areas notified by Government.
150. Closing of places for disposal of the dead.

(9) *Nuisances from certain Trades and Occupations.*
151. Regulation of certain trades.
- 151A. Factories in crowded localities.
- 151B. Use of Siren or whistle for summoning or dismissing workmen.
152. (1) Liability to penalty after notice.
(2) Penalty for unlicensed places in Municipality in which by-laws under section 48 (b) (iii) are in force.
153. Brothels.

(10) *Service of Notices and Penalties on non-compliance therewith.*
154. (1) Service of notice, etc., addressed to individuals.
(2) Service of notices, etc., on owners and occupiers of buildings, and lands.
(3) Public and general notices how to be published.
(4) Defective form not to invalidate notice or bill.
(5) Execution of acts required to be done by any notice.
155. Punishment for disobedience to orders and notices not punishable under any other section.
156. (1) Municipal Council, in default of owner or occupier, may execute works and recover expenses.
Agreement for construction of drainage and water connections.
Improvement expenses.
(2) Power to levy charges on occupier, who may deduct the same from his rent.
(3) Occupiers not to be liable for more than the amount of rent due.
157. Occupier, in default of owner, may execute works and deduct expenses from his rent.
158. Proceedings if any occupier opposes the execution of the Regulation.
159. Entry for purposes of the Regulation.
160. Arbitration in cases of compensation. etc

CHAPTER X—PROSECUTIONS, SUITS AND POWERS OF POLICE.

Sections.

- 161. (1) Municipal Council may prosecute.
- (2) Jurisdiction of Magistrate.
- 161A. Power to compound offences.
- 161B. Limitation for distraint, etc.
- 162. Distress lawful though defective in form.
- 163. Damage to municipal property how made good.
- 164. Alternative procedure by suit.
- 165. Power to compromise.
- 166. Assistance for the recovery of rent on land.
- 167. Limitation of suits, etc.
- 168. Powers of Police officers.

CHAPTER XI—MUNICIPAL ACCOUNTS.

- 169. Presentation of accounts.
- Budget estimates.
- 170. Audit of accounts.
- 171. Transmission of accounts to Government.
- 172. Publication of accounts.

CHAPTER XII—CONTROL.

- 173. Deputy Commissioner's powers of inspection and supervision.
- 173A. Deputy Commissioner's power of inspection of offices and Town and Minor Municipal Councils.
- 174. (1) Deputy Commissioner's power of suspending execution of orders, etc., of Municipal Councils.
- (2) Deputy Commissioner's order to be reported to Government who may confirm or modify it.
- 175. Extraordinary powers of Deputy Commissioner in case of emergency.
- 175A. Government may frame rules as to the preparation, etc., of plans and estimates for works.
- 176. Special provision in regard to works executed by Government.
- 177. (1) Power of Government to prevent extravagance in the employment of establishment.
- (2) Government may require any City Municipal Council to appoint a Chief Officer, Health Officer or an Engineer.
- 178. Power of Government to provide for performance of duties in default of Municipal Council.

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- 179. (1) Power of Government to supersede Municipal Council in case of incompetency, default or abuse of powers.
- (2) Consequences of exercise of such power.
- (3) Power after enquiry to continue period of supersession.
- 180. Powers of Government and of the Deputy Commissioners over subordinates.
- 180A. Restrictions on the powers of the Deputy Commissioner.

CHAPTER XIII—SPECIAL PROVISIONS FOR CITY MUNICIPAL COUNCILS.

- 181. Constitution of City Municipal Councils.
- 182. City Municipal Council may appoint a Chief Officer, Health Officer and Engineer.
- 183. Powers of Chief Officer.
- 184. Chief Officer's powers of appointment and punishment.
- 185. Chief Officer may make explanations at meetings.
- 186. Power to extend provisions of the chapter to other Municipal Councils.

CHAPTER XIII A.

THE MUNICIPAL COMMISSIONER, HIS POWERS AND DUTIES.

- 186A. Appointment of Municipal Commissioner.
- 186B. Removal from office.
- 186C. (1) Salary of Municipal Commissioner.
- (2) Prohibition of engagement in other business.
- 187D. (1) Leave of absence.
- (2) Leave allowance.
- (3) Appointment of substitute.
- 186E. Contributions from Municipal Council towards pensions and leave allowances of Municipal Commissioners.
- 186F. Powers of Municipal Council to require returns, reports or production of documents.
- 186G. Power of Municipal Commissioners and limitations thereon.
- 186H. Municipal Commissioner deemed to be authorised in certain matters although not expressly so authorised.
- 186I. Punishment for person disobeying lawful direction given by Municipal Commissioner.
- 186J. Powers of Municipal Commissioner to appoint, grant leave, punish and dismiss.
- 186K. Municipal Commissioner not to exercise powers of Municipal Council over masters and teachers.
- 186L. Orders not subject to appeal except in certain cases.

Sections

- 186M. Delegation of powers of Municipal Commissioner.
186N. Power to execute contracts on behalf of Municipal Council.
186O. Mode of executing Contracts.
186P. Tenders to be invited for Contracts involving expenditure exceeding Rs. 500.
186Q. Security when to be taken for performance of Contract.

CHAPTER XIV.

MINOR MUNICIPAL COUNCIL.

187. Power to except a minor Municipal Council from provisions of Regulation unsuited thereto.

SCHEDULES.

THE MYSORE MUNICIPAL REGULATION.

No. VII OF 1906.

PASSED ON THE 16TH DAY OF OCTOBER 1906.

(Amended by Regulations IX of 1911, VIII of 1914, VIII of 1915, III of 1916, V of 1918, I of 1921, V of 1922, IV of 1923 and IV of 1926.)

A REGULATION FOR THE BETTER MANAGEMENT OF MUNICIPAL AFFAIRS IN MYSORE.

WHEREAS it is expedient to make better provision for the management of Municipal affairs in cities and towns in Mysore: His Highness the Maharaja is pleased to enact as follows:—

CHAPTER 1.

PRELIMINARY.

1. (1) This Regulation may be cited as the Mysore Municipal Regulation, 1906. Short title

(2) It extends to the whole of Mysore. Local extent

(3) It shall come into force on the first day of January 1907. Commencement.

2. The Bangalore Municipal Regulations of 1871 and Regulations III of 1888, I of 1890, VII of 1899 and VIII of 1900 are hereby repealed. Repeal.

Provided that—

(a) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments; Savings

(b) all municipalities constituted, municipal commissioners appointed or elected, committees established, limits defined, appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said Regulations or under any enactments thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation; and

(c) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Interpreta-
tion section.

3. In this Regulation and in the schedules, unless there be something repugnant in the subject or context—

(1) “City Municipal Council” shall mean—

(a) either the City Municipal Council of Bangalore or Mysore, as the case may be, or

(b) one which has been declared under sub-section (1) of section 181 a City Municipal Council, and which has not ceased, under sub-section (2) of section 181, to be a City Municipal Council.

[a] (1A) A Town Municipal Council shall mean a Municipal Council other than a City Municipal Council declared as such under section 181 or a Minor Municipal Council declared as such under section 187.

[a] (1B) “Minor Municipal Council” shall mean a Council which has been declared under sub-section (1) of section 187, a Minor Municipal Council and which has not ceased, under sub-section (2) thereof, to be a Minor Municipal Council.

(2) “Councillor” shall mean any person legally a member of a Municipal Council constituted under this Regulation.

[b] (2A) “Municipal Commissioner” shall mean a person appointed under the provisions of section 186 A and shall include a person appointed to act as Municipal Commissioner under sub-section (3) of section 186 D.

[a] Added by Regulation V of 1918.

[b] Added by Regulation IV of 1923.

(3) "Judge" shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge, or Munsiff.

(4) "Municipality" shall mean any local area which is at present a municipality under the enactments repealed by section 2 of this Regulation, and any local area which may hereafter be constituted a municipality under section 4, if such municipality has not ceased to exist under the provisions of the said section.

(5) "Land" shall include land which is built upon or covered with water.

(6) "Building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or otherwise, and shall include also walls, verandahs, fixed platforms, plinths, door-steps, and the like.

(7) "Owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant: Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required.

(8) "Salaried servant of Government" shall not include a retired servant of Government in receipt of a pension, or a person in receipt of a salary from Government who is not a full-time servant of Government.

(9) "Official year" shall mean the year commencing on the first day of July.

(10) "Annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to let from year to year.

(11) "Street" shall mean any road, footway, square, court, alley or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding

that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(12) "Public street" shall mean any street—

- (a) over which the public have a right of way, or
- (b) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds, or
- (c) which under the provisions of section 90 is declared by the Municipal Council to be, or under any other provisions of this Regulation, becomes, a public street.

(13) "Tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation.

(14) "Nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property.

(15) "Dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered.

(16) "Vehicle" shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public street.

(17) "Public securities" shall mean—

- (a) securities of the Government of India,
 - (b) securities of the Government of Mysore,
 - (c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or
 - (d) a security expressly authorised by any order which the Government makes in this behalf.
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CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) Municipalities.

4. (1) Subject to the provisions of sections 6, 7 and 8, the Government may, from time to time, by notification in the Official Gazette, declare any local area to be a municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any municipality, or declare that any local area shall, from a date to be specified in the notification, cease to be a municipality.

*Delimitation
of municipali-
ties.*

(2) Every such notification constituting a new municipality, or altering the limits of an existing municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

*Limits to be
specified in
notification.*

(3) It shall be the duty of the Municipal Council in every municipality already existing and of every Municipal Council newly constituted under this Regulation, and of every Municipal Council whose local limits are altered as aforesaid, to cause, at their own cost, to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at their own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of the municipality subject to their authority, as set forth in the notification.

*Erection and
maintenance
of boundary
marks.*

(4) When any local area ceases to be a municipality, the Municipal Council constituted therein shall cease to exist, and the property and rights vested in any such Municipal Council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such Municipal Council had jurisdiction.

*Property and
rights of Mu-
nicipal Coun-
cil which has
ceased to exist
to vest in Gov-
ernment.*

5. Municipalities constituted under section 4 may be either periodical or permanent.

*Municipali-
ties to be pe-
riodical or
permanent.*

What local areas may be declared to be periodical municipalities.

6. Any local area in which a periodical fair is held or which is visited periodically by pilgrims, together with any neighbouring local area to which the people attending such fair or the pilgrims resort whilst such fair or pilgrimage lasts, may be declared a periodical municipality at and throughout certain specified recurring seasons.

What local areas may be declared to be permanent municipalities.

7. (1) Any local area which comprises :—

(a) a city, town or station or two or more neighbouring cities, towns and stations, with or without any village, suburb, or land adjoining thereto, or

(b) a village or suburb or two or more neighbouring villages and suburbs, may be declared a permanent municipality :

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 8 and in the notification issued under section 4, it shall not be lawful—

(i) to include any city, town, station or suburb in a permanent municipality with any other city, town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses ; or

(ii) to constitute any municipality in any area of which the population is less than two thousand.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Permanent municipalities.

8. (1) Not less than two months before the publication of any notification declaring any local area a permanent municipality, or altering the limits of any such municipality, or declaring that any local area shall cease to be a municipality, the Government shall cause to be published in the Official Gazette, in English and Kanarese, and to be posted up in conspicuous spots in the said local area in Kanarese, a proclamation announcing that it is proposed to constitute such local area a municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Deputy Commissioner within two months from the

date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the Municipal Council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Deputy Commissioner shall, with all reasonable despatch, forward every objection so submitted to Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

[a] 8A. Before any City, Town or Minor Municipal Council is changed to any other class of Municipal Council, the Government shall, as far as may be, follow the procedure prescribed in section 8.

Procedure for changing class of Municipality.

(2) Municipal Councils.

9. In every municipality there shall be a Municipal Council, and every such Municipal Council shall be a body corporate by the name of "The Municipal Council of—", and shall have perpetual succession and a common seal, and may sue and be sued in their corporate name.

Constitution and incorporation of Municipal Councils.

10. (1) Except as is hereinafter otherwise provided, every such Municipal Council shall consist of—

Municipal Councils to consist of elected and nominated councillors.

(a) elected councillors;

(b) nominated councillors, if any, that is to say, such persons as from time to time—

(i) are by name appointed in this behalf, or

(ii) are executing the functions of any office from time to time notified in this behalf, by the Government.

[b] (a) The number of elected Councillors shall not be less than two-thirds in the case of City Municipal Councils and not less than one-half, in the case of other Municipal Councils, of the whole number of Councillors; and of the number of nominated Councillors, the salaried servants of the Government, if any, shall not exceed one-half.

In specified proportions.

[a] Added by Regulation V of 1918.

[b]—[b] This was substituted for the original proviso by Regulation IV of 1926.

Provided that when a president appointed by Government under clauses (a) and (b) of sub-section (2) of section 23 or when a president elected under clause (d) of the same sub-section is not a Councillor, the two-thirds and one-half of the whole number mentioned in this section shall be exclusive of the president so appointed or elected and the president so appointed or elected shall be an additional Councillor. [b]

(2) Any vacancies due to failure to elect the full number of elected councillors which under this section might be elected, may, notwithstanding anything in this Regulation contained, be filled up by nomination by the Government.

Government may determine the number of councillors; fix proportion of elected and nominated councillors; and make rules for regulating elections.

11. The Government shall, from time to time, generally or specially, for each Municipal Council—

- (a) determine the number of councillors;
- (b) fix, subject to the provisions of the last preceding section, the proportion of the councillors, if any, who shall be nominated;
- (c) make rules consistent with this Regulation, for—
 - (i) fixing the dates and the time and manner of holding Elections, general or casual, of councillors to be elected;
 - (ii) prescribing the number to be elected by the rate-payers, or by sections of the inhabitants, or by public bodies or associations, if any, and the qualifications of candidates and of voters other than as hereinafter provided;
 - (iii) preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm, or any other association or body of individuals, or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised, and prescribing the restrictions, if any, on the number of votes which a voter may give;
 - (iv) determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein

or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie ;

- (v) prescribing the date, subject to the provisions of sub-section (1) of section 13 for the publication of the Municipal Election Roll ;
- (vi) regulating generally such elections.

12. Subject to the provisions of section 13 and to the disqualifications mentioned in section 15 and sub-sections (3) and (6) of section 22 as regards candidates, and in section 21 as regards voters,

Proviso as to admission of certain qualification.

- (a) every Graduate of any University, and
- (b) every Advocate of the Chief Court,

who, for a period of not less than six months next preceding the date on which by the said rules a list of voters is required to be prepared or revised in a municipality for election purposes, has been resident in that municipality, and

(c) every person who [a] was for the preceding year assessed to [a] taxes, other than octroi or toll, imposed in that municipality, of an amount not less than such minimum as shall for the time being be fixed for that municipality by the Government,

shall be qualified to be a candidate, and to be entered in the list of voters for the said municipality.

13. (1) When, in accordance with rules framed under sub-clauses (iii) and (iv) of clause (c) of section 11, a list of voters has been prepared or, upon a general revision, completed, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the Municipal Election Roll. A new Election Roll shall be published in each year on such date as may be prescribed by the Rules, and shall continue in operation for a period of twelve months from that day.

Operation of lists.

Provided that if a new Election Roll is not published in any year before the date prescribed, the Roll then in operation shall continue in operation until the new Roll is published.

(2) At every election of councillors every person enrolled in the Municipal Election Roll as for the time being in operation under sub-section (1), shall be deemed to be

Right to vote to depend on entry in Roll.

[a] [a] These words were submitted for the original by Regulation IV of 1926.

entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Enrolment
in Municipal
election Roll
necessary for
elected Coun-
cillor.

[b] (8) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye-election held before his term of office as Councillor expires.

Representa-
tive of
Association.

Provided that if in any company, body corporate or other association of the individuals is enrolled in the Municipal Election Roll, any one person who is authorised in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation, shall be deemed to be qualified to be elected a Councillor.

Constitution
of Municipal
Council, in
exceptional
cases.

14. (1) (a) Nothing in the four sections last preceding shall apply to any permanent municipality to which, owing to the smallness of such municipality, or to the backward state or indifference of its inhabitants, or for other such exceptional reason, the Government shall, in a notification setting forth such reasons and published in the official gazette, at any time declare the provisions of the said sections to be unsuitable.

(b) In any such municipality the Municipal Council shall consist either entirely of nominated councillors, or partly of nominated and partly of elected councillors, in such proportions, and appointed or elected by such persons, in such manner, and subject to such conditions, as the Government in the notification published under clause (a) or in any subsequent notification published as aforesaid, shall think fit to prescribe.

(c) It shall be competent to the Government at any time to alter or rescind any notification issued by it under this section; and in the event of any notification under clause (a) being rescinded, the Municipal Council affected thereby shall, from a date to be fixed in this behalf by the Government, be constituted in accordance with the four sections last preceding.

Periodical
Municipal
Councils.

(2) The powers and duties conferred and imposed by this Regulation on Municipal Councils shall, in a periodical municipality, be respectively exercised and discharged by a neighbouring Municipal Council nominated in this behalf by Government, or by a Municipal Council specially constituted for the time being and consisting of

[b] This new sub-section was added by Regulation IV of 1926.

such councillors nominated in such manner as the Government directs.

(3) If in any periodical municipality, any tax has been or shall have been imposed, or any rule or by-law has been or shall have been made, under the provisions of this Regulation, such tax, unless and until it has been modified, suspended or abolished, shall be leviable, and such rule or by-law unless and until it has been altered or rescinded, shall have effect, in such municipality throughout each recurring season during which the municipality is, by virtue of a declaration under section 6, a periodical municipality.

Taxes, rules and by-laws in periodical municipalities

(3) *Municipal Councillors.*

15. (1) No person may be a councillor,—

(a) who,

(i) having been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(ii) having been dismissed from Government service, such dismissal having been notified as debarring him from re-employment, or

(iii) being a legal practitioner whose sannad has been withdrawn by the Chief Court, or

(iv) having been removed from office under section 16,

has not, by an order which the Government is hereby empowered to make, if it shall think fit, in this behalf, been relieved from disqualification arising on account of such sentence or dismissal, or withdrawal of sannad or removal from office, or

(b) who has been declared an insolvent, or

(c) who is less than twenty-one years of age, or who is of the female sex, or

(d) who is a Judge;

and no person,

(e) who is a subordinate officer or servant of a Municipal Council, or

(f) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by

General dis-qualifications for becoming a councillor.

order of a Municipal Council, or in any contract or employment with or under, or by or on behalf of a Municipal Council, may be a member of such Municipal Council.

Provided that—

a person shall not be deemed to have incurred such disqualification or to have any share or interest in any such work or in any such contract or employment, by reason only of his—

- (i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same,
- (ii) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the Municipal Council, or
- (iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Municipal Council may be inserted, or
- (iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the Municipal Council, or
- (v) being professionally engaged on behalf of the Municipal Council as a legal practitioner, or
- (vi) having a share or interest in the occasional sale of any article in which he regularly trades, to the Municipal Council to a value not exceeding, in any one official year, such amount as the Municipal Council, with the sanction of Government, may fix in this behalf, or
- (vii) being a party to any agreement made with the Municipal Council under the provisions of section 71 or of proviso (a) to sub-section (1) of section 156.

Disabilities
from continu-
ing a council-
lor.

(2) If any councillor during the term for which he has been elected or appointed—

- (a) becomes disqualified under sub-section (1), or
- (b) acts as a councillor in any matter—
 - (i) in which he has directly or indirectly, by himself or his partner, any such share or interest as is described in clauses (i), (ii),

- (iii), (vi) and (vii) of the proviso to sub-section (1), or
 - (ii) in which he is professionally interested on behalf of a client, principal or other person, or
 - (c) departs beyond the limits of Mysore with the declared or known intention of absenting himself continuously for a period exceeding six months, or
 - (d) by becoming a salaried servant of Government, causes the number of nominated councillors who are salaried servants of Government to exceed the proportion prescribed in the proviso of sub-section (1) of section 10, or
 - (e) not being a president or vice-president or a salaried servant of Government, fails, without leave from the Municipal Council on that behalf, to attend any meeting of the Municipal Council for a period of four months, provided that there shall have been not less than three such meetings within such period,
- he shall be disabled from continuing to be a councillor, and his office shall become vacant.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Power of Government to decide whether vacancy has occurred.

15A. [a] Any Councillor may resign his Office by giving notice in writing to that effect to the President and the President may resign his office by giving notice in writing to that effect to the Municipal Council in the case of City Municipalities and to the Deputy Commissioner in the case of other Municipalities, the resignation taking effect in the latter case on its acceptance by the Deputy Commissioner.

Resignation.

16. The Government, if it thinks fit, on the recommendation of the Municipal Council, may remove any councillor elected or appointed under this Regulation, if such councillor has been guilty of misconduct in the

Liability to removal from office.

discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

17. Councillors nominated or elected at a general election under this Regulation shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 16, or section 179, hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years, if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the Official Gazette, so to extend the same.

Casual vacancies how to be filled up.

18. In the event of the death, resignation, disqualification, disability or removal of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

[a] 18.A. In the event of a vacancy occurring by increasing the number of Councillors in any Municipal council under section 11 (a) such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period as Government may in this behalf notify in the gazette.

Re eligibility of councillors.

19. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Publication of names of councillors in the Official Gazette.

20. The names of all councillors finally elected to any Municipal Council as well as the names of the nominated councillors, if any, appointed thereto, shall be published, as soon as conveniently may be, in the Official Gazette.

(4) *Municipal Elections.*

General disqualifications of voters.

Determination of validity of elections.

21. No person who is less than twenty-one years of age shall be entitled to vote at any municipal election.

22. (1) If the validity of any election of a councillor is brought in question by any person qualified either to be elected or to vote at the election to which such question

refers, such person may, at any time within ten days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held.

(2) The District Judge or such other Judge as may be appointed by the Government in this behalf may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purposes of the said inquiry the said Judge may summon and enforce the attendance of witnesses, and compel them to give evidence as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. The decision or order shall be conclusive. If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

Powers of
Judge holding
enquiry.

(3) (a) The Judge, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Declaration in
case of corrupt
practice by a
candidate.

(b) If in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favor of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favor, to have been duly elected.

Scrutiny of
votes and de-
claration in
other cases.

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,—

What is a cor-
rupt practice.

- (i) who with a view to inducing any voter to give or to refrain from giving a vote in favor of any candidate, offers or gives any money or

valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or,

- (ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Promise of individual profit.

EXPLANATION.—A “promise of individual profit” includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Mere irregularities and informalities not to invalidate election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (c) of section 11, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Disqualification of candidate for corrupt practice.

(6) If the Judge sets aside an election under clause (a) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate in that or any other municipality for a term of years not exceeding seven, and the Judge's decision shall be conclusive: provided, however, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

Presidents and Vice-Presidents.

Every Municipal Council to have a President and if Government so directs, one or more Vice-Presidents.

* 23. (1) For every Municipal Council there shall be a President, and if and whenever Government so directs, one or more than one Vice-President. Where there are more Vice-Presidents than one, the Government may direct which of them is the senior for the purpose of this Regulation.

(2) The President may be—

(a) appointed by the Government by name, or

*This was substituted for the original by Regulation IV of 1926.

(b) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf, or

(c) If the Government so directs, elected by the councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf, or

(d) if the Government so directs, elected by persons entitled to vote under Section 13, subject to such rules and conditions as may be prescribed by the Government in this behalf.

(3) When an office has been notified under clause (b) of sub-section (2), the person from time to time executing the functions of that office shall continue to be President, unless and until such notification is altered or rescinded by the Government.

Effect of
notification
of *ex-officio*
President.

(4) The Vice-President shall be elected by the Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf.

Provided that the Government may, for special reasons and in the case of such Municipal Councils as it may be deemed fit, appoint the Vice-President by name.

(5) During the period, if any, intervening between the expiry of the term of a President or reconstitution of a Municipal Council and the election or nomination as the case may be of another President, the Deputy Commissioner in the case of City Municipalities and Municipalities at district headquarters, or the Amildar in the case of other Municipalities shall notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, perform the functions of the President until such elected or nominated President enters on his duties.

(6) Except in the case of a salaried servant of a Government who is either an appointed or *ex-officio* President, every President who, for a period exceeding two months and every Vice-President who for a period exceeding one month shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be President or Vice-President unless leave so to absent himself has been granted—

Consequences
of absence of
President
or Vice-
President
without
leave.

(a) by the Government in the case of a President or Vice-President appointed by Government,

(b) by the Municipal Council in the case of an elected President or Vice-President.

Limit of
grant of
leave and
arrangements
during leave

(7) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a President and there is no Vice-President for the Council or the office of the Vice-President is vacant, the vacancy shall be filled up by election by the Council from among the Councillors whether the president was elected under clause (c) or (d) of sub-section (2), within such period and in such manner as may be prescribed by rules framed by Government in this behalf. If the Council fail to elect the President or if the appointment of the President was under clause (a) of sub-section (2) the Government may fill up the vacancy. When leave is granted to a Vice-President or when he is acting for the President, the vacancy may be filled up by appointment or election, as the case may be, of some other Councillor thereto.

Term of
Office of
President and
Vice-President
and their liability
to be
removed.

(8) The term of office of every President and of every Vice-President shall cease on the expiry of his term of office as Councillor and every President and Vice-President shall be removable from his office as such President or Vice-President by the Government for misconduct, in the discharge of his duties, or neglect of or incapacity to perform his duties after an opportunity is afforded for hearing him.

Vacancies in
their office
how to be
filled up.

(9) In the event of the death, resignation or removal from office of a President other than an *ex-officio* President or of a Vice-President, or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub-section (2) of Section 15, previous to the expiry of his term of office as President or Vice-President, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a President or Vice-President during such vacancy.

Remunera-
tion of Pre-
sident and
Vice-Presi-
dent of
Municipal
Council.

(10) The President or Vice-President of any Municipal Council who is not a Government Officer may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government. It shall be lawful for any Municipal Council to pay out of the

Municipal Fund with the sanction of Government salary or allowances to any Government Officer who is appointed as President or Vice-President.

***23A** (1) Except as in this Regulation otherwise expressly provided, the Municipal Government of a Municipality vests in the Municipal Council.

Municipal Government to vest in the Municipal Council.

(2) In a Municipality for which there is a Municipal Commissioner, the executive power for the purpose of carrying out the provisions of this Regulation vests in the Municipal Commissioner, subject, wherever it is in this Regulation expressly so directed, to the approval or sanction of the Municipal Council and subject also to all other restrictions, limitations and conditions imposed by this Regulation.

24. (1) It shall be the duty of the President of a Municipal Council to—

Functions of Presidents.

(a) preside, unless prevented by reasonable cause, at all meetings of the Municipal Council, and, subject to the provisions of the rules for the time being in force under clause (a) of section 46, to regulate the conduct of business at such meetings;

(b) watch over the financial and executive administration of the Municipal Council, and, subject to the rules of the Municipal Council at the time being in force, to perform such executive functions as may be performed by or on behalf of the Municipal Council over which he presides;

(c) exercise supervision and control over the acts and proceedings of all officers and servants of the Municipal Council in matters of executive administration and in matters concerning the accounts and records of the Municipal Council; and, subject to the rules of the Municipal Council at the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(d) furnish [*] to Government in the case of City Municipal Councils and [*] to the Deputy Commissioner[*] in the case of other Municipal Councils [*] or to such other officer as the Deputy Commissioner shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the Municipal Council and any extract from the minutes of the proceedings of the Municipal

[*] Added by Regulation V of 1918.

Council or of any committee or other document or thing which the Deputy Commissioner from time to time calls for under section 173.

[a] Provided that in a Municipality for which there is a Municipal Commissioner, the duties and powers of the President under clauses (b), (c) and (d) of this sub-section shall, subject to the provision of this Regulation and save where it is otherwise expressly provided in this Regulation, be performed and exercised by such Municipal Commissioner.

President in
what cases to
have a casting
vote.

(2) When there is an equality of votes of the councillors present for and against any proposition under consideration, the president shall have a second or casting vote.

[b] (24A) No official correspondence between a City Municipal Council and the Government shall be conducted except through the President. The President shall be bound to transmit communications addressed through him by the Commissioner to the Government or by the Government to the Commissioner.

Functions of
Vice-Presi-
dents.

25. (1) It shall be the duty of a vice-president of a Municipal Council to exercise such of the powers and perform such of the duties of the president as the president from time to time deposes to him.

(2) It shall be the duty of the vice-president, or, if there are more vice-presidents than one, of the senior vice-president present,—

(a) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the Municipal Council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (a) of sub-section (1) of section 24; and

(b) pending the succession, appointment, or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

[a] This proviso of sub-section (1) of section 24 was added by Regulation IV of 1923

[b] This new section was added by Regulation IV of 1923.

CHAPTER III.

CONDUCT OF BUSINESS.

Municipal Meetings.

26. The following provisions shall be observed with respect to the meetings of a Municipal Council:—

Provisions in regard to meetings of a Municipal Council.

(1) Except in the case of periodical Municipal Councils, there shall be held an ordinary general meeting in each month for the disposal of general business. In the case of every periodical Municipal Council there shall be such and so many ordinary general meetings as the president thereof shall from time to time determine. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Ordinary general meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the councillors, call a special general meeting.

Special general meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the councillors, and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting.

Notice to be given of meetings.

(4) Every meeting of a Municipal Council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal Council.

Municipal meetings to be held at Municipal office.

(5) Every meeting shall, if there be no president or vice-president present, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (a) of sub-section (1) of section 24.

Every meeting how presided over in the absence of the president and vice-president.

Meeting must
ordinarily be
open to the
public.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipal Council such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Number of
councillors re-
quired to form
a quorum.

(7) If, in the case of a City Municipal Council less than one-third, and in the case of any other Municipal Council less than one-half, of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof whether there be a quorum present or not.

What business
to be transact-
ed at meet-
ings, and
order of busi-
ness how to be
settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting, in the written request for such meeting. The order in which any business that may be transacted or any proposition that may be discussed at any meeting in accordance with the sub-section shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of
proceedings to
be kept.

(9) In the case of every City Municipal Council there shall be kept in English, and, if the Municipal Council so resolve, in Kanarese also, and in the case of every other Municipal Council there shall be kept in Kanarese, and if the Municipal Council so resolve in English, either in lieu of or in addition to Kanarese, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (14), and of the proceedings at each general meeting, in a book

to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (a) of section 46.

All questions must be decided by a majority of votes.

(11) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

Adjournments of meetings.

(12) No resolution of a Municipal Council shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors and passed at a general meeting whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Modification and cancellation of resolutions.

(13) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the Municipal Council by a Government Executive Engineer, or to any educational matter, shall be transacted at any meeting of a Municipal Council unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer or to the Educational Inspector of the district, informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer or Educational Inspector.

(14) (a) The Executive Engineer, Educational Inspector and the [a] Chief Sanitary officer in a district, [a] if not members of a Municipal Council within the district, shall have the right of being present at any meeting of such Municipal Council, and, with the consent of the Municipal Council, each of them may take part at such

Certain Government officers may attend meetings of Municipal Councils.

[a-a] These words were substituted for the original by Regulation IV of 1926.

meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such Municipal Council.

Provided that the said officers shall not, unless they are members of the Municipal Council, be entitled to vote upon any such question.

Municipal Council may require the presence of certain of the said officers at their meetings.

(b) If it shall appear to a Municipal Council that the presence of the Executive Engineer, Educational Inspector, or [a] Chief Sanitary Officer [a] of or in the district, is desirable for the purpose aforesaid at any future meeting of such Municipal Council, it shall be competent to such Municipal Council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence, thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a Deputy or Assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

[b] EXPLANATION.—The terms “Executive Engineer,” and “Educational Inspector” in sub-sections (13) and (14) of this section include the principal Engineering and Educational officer, respectively, in or for the district. [b]

Right of Municipal Commissioner to be present and to speak at municipal meetings.

[c] 26A (1) A Municipal Commissioner shall have the same right of being present at a meeting of the Municipal Council or the managing or other committee and of taking part in the discussions thereat as a Councillor and with the consent of a majority of the Councillors present, ascertained by a show of hands, without discussion may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.

(2) “The Municipal Commissioner shall attend any meeting of the Municipal Council or of the Managing or other Committee if required to do so by the President.”

[c] 26B. (1) Any Councillor may call the attention of the proper authority to any neglect in the execution of

[a-a] These words were substituted for the original by Regulation IV of 1926.

[b-b] This was substituted for the original by Regulation IV of 1926.

[c-c] This new section was added by Regulation IV of 1923.

municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every Councillor shall have the right to interpellate the President on matters connected with the Municipal Administration, subject to such regulations as may be framed by the Council.

(3) Every Councillor shall have access to the records of the Municipal Council after giving due notice to the President or the Municipal Commissioner as the case may be, provided that the President or the Commissioner may for reasons given in writing forbid such access. The Councillor may in the case of City Municipal Councils appeal against such order of the Commissioner to the President whose decision shall be final. [c]

(2) Committees.

27. (1) For every Municipal Council there shall be a committee called the managing committee, consisting of such number of councillors not exceeding nine or less than three as may have been elected for a period not exceeding one year, in accordance with rules under clause (a) of section 46. Managing committees.

- (2) The managing committee shall, subject, Powers of managing committees.
- (i) to any limitations prescribed by the Municipal Council specially in this behalf and generally by rules made under clause (a) of section 46, and
 - (ii) to the provisions of Chapter XIII [d] and Chapter XIII A [d] exercise all the powers of the Municipal Council.

Provided that no managing committee shall exercise—

(a) any powers in connection with any school or educational institution in respect of which a committee is appointed under section 28, or

(b) any powers with which any committee appointed under section 29 is vested.

28. The Municipal Council may appoint, subject to such limitations as are prescribed by the rules for the time being in force under section 46 and subject also to the proviso contained in section 58, a committee consisting of School committees.

[d-d] These words were added by Regulation IV of 1923.

such councillors as they think fit, for managing all or any primary or other schools vested in or maintained by the Municipal Council or for conducting the business of the Municipal Council in respect of any educational institutions aided by the Municipal Council.

Other executive committees.

29. Subject to the limitations prescribed by the rules aforesaid, the Municipal Council may appoint, for a period not exceeding one year, any such committee or such or so many committees consisting of such councillors as they think fit for any purpose or respectively for any of the purposes, other than those specified in section 28, for which a managing committee may, under section 27, exercise the powers of a Municipal Council, and may invest each committee so appointed with such of the said powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed.

[a] 29A. Subject to such rules as may be framed by the Government from time to time in this behalf, the Municipal Council shall appoint for the purpose of sec. 54 (t), [*] a committee called the Economic Committee to deal with questions relating to the development of Education, Agriculture and Industries and Commerce. [*] [a]

Consultative committees.

30. The Municipal Council may from time to time appoint such or so many other committees consisting of such councillors as they think fit, and may refer to such committees for enquiry and report, or for opinion, such special subjects relating to the purposes of this Regulation as the Municipal Council shall think fit, and may at any time discontinue, or alter the constitution of, any such committee. The Municipal Council may direct that the report of any such committee shall be made to the managing committee, instead of to the Municipal Council.

When persons other than councillors may serve on committees.

31. Notwithstanding anything contained in this Regulation, it shall be lawful for the Municipal Council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under section 28, 29 [b] 29A, [b] or 30, any persons of either sex, who are not councillors, but who may in the opinion of such Municipal Council possess special qualifications for serving on such committee;

[a-a] This new section was added by Regulation I of 1921.

[-*] These words were substituted for the original words by Regulation IV of 1926.

[b-b] Added by Regulation IV of 1926.

provided that the number of persons so appointed on any committee shall not exceed [c], one-half [c] of the total number of the members of such committee.

All the provisions of this Regulation relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall, save as regards the disqualification on the ground of sex, be applicable so far as may be to such persons.

Duties, etc.,
of such per-
sons.

32. A vacancy occurring in a managing committee shall, as soon as possible, and a vacancy occurring in any other committee may, be filled up by the election of a member from among the general body of councillors, subject to the same provisions as those under which the member whose place is to be filled up was elected. A councillor shall be eligible at any time for re-election as a member of any such committee notwithstanding that he has previously been a member of that committee.

Casual
vacancies—
re-eligibility.

33. (1) The president or a vice-president, if appointed a member of any committee, shall be *ex-officio* chairman thereof.

When chair-
man to be *ex-
officio*.

(2) The Municipal Council may appoint a chairman for every committee of which there is no *ex-officio* chairman.

When no *ex-
officio* chair-
man, Municip-
al Council
may appoint
chairman.

(3) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the Municipal Council, shall at each meeting which such chairman does not attend as chairman, appoint from its members a chairman for such meeting.

When *ex-
officio* or ap-
pointed chair-
man does not
attend meet-
ing, com-
mittee may
appoint chair-
man of meet-
ing.

(4) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the Municipal Council, shall appoint from time to time its own chairman from among its own members.

If there is no
chairman, *ex-
officio* or ap-
pointed by the
Municipal
Council.

34. (1) The provisions of sub-sections (4), (9), (10) and (14) of section 26 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a Municipal Council contained in those provisions, and as if for the words "Municipal Council" where they occur in the proviso to clause (a) of sub-section (14) of section 26, there were substituted the word "committee."

Procedure at
meetings.

[a] Provided that notwithstanding anything to the contrary contained in sub-section 9 of section 26, committees may record their proceedings either in English or in Kanarese as they may think fit.

Committee shall meet when they think proper.

(2) Committees may meet and adjourn as they think proper, but the chairman of the committee may, whenever he thinks fit, and shall, upon the written request of the president of the Municipal Council or of not less than two members of a committee, call a special meeting of such committee.

Number of members required to form quorum at committee meetings.

(3) No business shall be transacted at any committee meeting unless more than one-half of the members of the committee be present thereat.

Procedure by circular.

35. (1) Notwithstanding anything contained in the preceding section, the chairman of the committee, whenever it appears to him unnecessary to convene a meeting, may, instead of so doing, circulate a written proposition of his own, or of any other member of the committee, or of any executive officer of the Municipal Council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (13) of section 26, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the Municipal Council would be entitled to require under the provisions of clause (b) of sub-section (14) of section 26, desires to record.

Decisions how to be taken on propositions circulated ;

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

and how to be recorded.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book kept under sub-section (9) of section 26.

Procedure by circular when applicable to other municipal business.

(5) Notwithstanding anything contained in this Regulation, the Government may by notification authorise the adoption by any Municipal Council specified in such notification not being a City Municipal Council, of the procedure prescribed by this section, for the disposal of any business, whenever the president of such Municipal

[a] This proviso was added by Regulation IV of 1923.

Council may deem it unnecessary to convene a general meeting for the purpose of such business.

36. (1) Every committee shall conform to any instructions that may from time to time be given to them by the Municipal Council; the Municipal Council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Subordina-
tion of com-
mittees to in-
structions of
Municipal
Council, and
compliance
with requisitions of Muni-
cipal Council.

(2) Every order passed by a managing committee or by a committee appointed under section 28 or 29, other than orders under sub-section (3) of section 65, shall be subject to such revision, and open to such appeal, as may be required or allowed in respect thereof by any rules of the Municipal Council for the time being in force under section 46.

Orders subject
to revision
and appeal.

(3) Delegation of powers to individuals.

37. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the Municipal Council may be delegated, in accordance with rules to be made by the Municipal Council in this behalf, to the president or to the vice-president, or to the chairman of the managing, school or other committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a Chief Officer of a City Municipal Council under Chapter XIII or on any committee by or under section 27, 28 or 29; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

Powers, duties
and functions
may be dele-
gated to
officers whose
expenses may
be paid.

[a] Provided that in a Municipality for which there is a Municipal Commissioner the powers or duties or executive functions under this Regulation or under any rule or bye-law made hereunder conferred or imposed upon or vested in the Municipal Commissioner shall not be delegated save as provided in section 186 M.

[a] This proviso was added by Regulation IV of 1923.

(4) *Validity of Proceedings.*

Acts and proceedings of Municipal Council and committees not vitiated by disqualifications, etc., of members thereof.

38. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Regulation, shall be deemed to vitiate any act or proceeding of the Municipal Council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Proceedings of meetings to be good and valid, until the contrary is proved.

(2) Until the contrary is proved, every meeting of the Municipal Council or of a committee appointed under this Regulation, in respect of the proceedings whereof a minute has been made and signed in accordance with this Regulation, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy not to affect Municipal Council's proceedings.

(3) During any vacancy in a Municipal Council or committee the continuing councillors or members may act as if no vacancy had occurred.

(5) *Joint transactions with other Bodies.*

Joint committees of two or more Municipal Councils.

39. A Municipal Council may from time to time—

(a) join with any other Municipal Council or with any District Board, or with more than one such Municipal Council or Board,

(i) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee; and

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed; and

(b) enter, subject to the sanction of the Government, into an agreement with a Municipal Council, regarding the levy of octroi duty, whereby the octroi duties respectively leviable by the bodies so contracting, may be levied together instead of separately within the limits of the area subject to the control of the said bodies.

Agreement
for joint levy
of octroi.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government, or of such officer as it appoints in this behalf, shall be final.

(6) *Contracts.*

40. (1) Every Municipal Council shall be competent, subject to the restrictions contained in sub-section (2) to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Regulation, have become vested in or been acquired by them, and, so far as is not inconsistent with the provisions and purposes of this Regulation, to enter into and perform all such contracts as they may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Competency
of Municipal
Council to
lease, sell and
contract.

[a] (2) In the case of every lease for a term exceeding seven years, and of every sale or other transfer of immovable property exceeding Rs. 500 in value if such lease, sale or other transfer is by a City Municipal Council, or Rs. 200 in value if by any other Municipal Council, the previous sanction of the Government is required. [a]

Subject in
certain cases
to sanction of
Government.

(3) In the case—

(a) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immovable property,

(b) of every contract which will involve expenditure not covered by a budget grant,

(c) of every contract the performance of which cannot be completed within the official year current at the date of the contract.

Sanction by
resolution at
general meet-
ing requisite
to validity of
certain con-
tracts.

the sanction of the Municipal Council by a resolution passed at a general meeting is required.

(4) In the case of a contract for the purchase of movable property, or for the sale of any movable property

Sanction of
Municipal
Council when
requisite in
other cases.

[a—a] This was substituted for the original sub-section by Regulation VIII of 1915.

belonging to a Municipal Council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the Municipal accounts, exceeds

(a) in the case of a City Municipal Council,
Rs. 500,

(b) in the case of any other Municipal Council,
Rs. 100,

the sanction of the Municipal Council is required.

Sanction by committees and individuals empowered.

(5) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of the managing committee, or of such other committee, or of such individual as under the provisions of this Regulation or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Mode of executing contracts.

(6) Every contract entered into by or on behalf of a Municipal Council, other than a contract to which sub-section (5) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the Municipal Council. Every contract to which sub-section (5) applies shall be executed by the chairman of the managing committee, or by the chairman of such other committee, or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of this section are fulfilled.

(7) No contract shall be binding on a Municipal Council in any case referred to in this section, unless all such requirements as are specified in sub-section (2), (3), (4) or (5) in respect of such case are fulfilled, and unless it is executed in accordance with the provisions of sub-section (6) applicable thereto.

[a] (8) The provisions of this section shall be subject to the provisions of Chapter XIII A.

(7) *Compulsory acquisition of land.*

Recourse to the Land Acquisition Regulation, 1894.

41. When there is any hindrance to the permanent or temporary acquisition, upon payment, of any land or building required for the purposes of this Regulation, the

[a] This new sub-section was added by Regulation IV of 1923.

Government may, after obtaining possession of the same for Government under the Mysore Land Acquisition Regulation, 1894, or other existing law, vest such land or building in the Municipal Council on their paying the compensation awarded, and on their repaying to Government all costs incurred by Government on account of the acquisition.

(8) *Liabilities of councillors, officers and servants.*

42. Every councillor shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by, gross neglect of his duty as a councillor, and may be sued for recovery of the moneys so misapplied as if such moneys had been the property of Government.

Councillors to be held responsible for misapplied funds.

Provided that no councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred, by, or on behalf of, the Municipal Council; the funds at the disposal of each Municipal Council shall be liable for, and be charged with, all costs in respect of any such contract or agreement and all such expenses.

Proviso.

43. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of, a Municipal Council, or in any employment with, under, by, or on behalf of, a Municipal Council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such Municipal Council.

Officer or servant of any Municipal Council not to be interested in any contract with such Municipal Council.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant, and his office shall become vacant.

Effect of acquiring such interest.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a Municipal Council as, under clauses (ii) and (iv) of the proviso to sub-section (1) of section 15, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Saving clause

44. (a) Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a Municipal Council of which he is a member, not being a share

Penalty for councillor, officer or servant of a Municipal Council being in-

terested in any contract, etc., with that Municipal Council.

or interest such as, under section 15, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

(b) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of a Municipal Council of which he is an officer or servant, not being a share or interest such as under clauses (ii) and (iv) of the proviso to sub-section (1) of Section 15, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Penalties imposed by the Indian Penal Code.

45. (a) Every person holding the post of councillor or of an officer or servant of a Municipal Council, and every person authorised by the Municipal Council to collect or recover on behalf of the Municipal Council any tax, who

- (i) accepts or obtains, or agrees to accept, or attempts to obtain, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or disservice to any person, with the Municipal Council or with any public servant, or with any municipal committee, officer or servant, as such, or with Government, or
 - (ii) does any act for which, or omits to do any act for the omission of which, if he were a public servant within the meaning of the Indian Penal Code, he would be liable to punishment, or to an enhanced punishment, under that Code; and
- (b) every person who
- (i) falsely pretends that he holds such post or is so authorised as aforesaid, and in such assumed character, does or attempts to do any act under colour of the character so assumed, or

- (ii) does any such act, or is guilty of any such omission, to or in relation to any person holding such post or authorised as aforesaid with such intention or knowledge or in such circumstances as would, if the person holding such post or authorised as aforesaid were a public servant within the meaning of the Indian Penal Code, render the person so doing that act or so omitting as aforesaid, liable to punishment or enhanced punishment under that Code,

shall, if no punishment is, in such behalf, provided elsewhere in this Regulation, be liable to the punishment to which for the like offence he would, if every person holding such post or authorised as aforesaid were a public servant within the meaning of the Indian Penal Code, be liable under that Code.

CHAPTER IV.

RULES AND BY-LAWS.

Municipal
Councils to
make rules ;

46. Every Municipal Council shall, as soon as conveniently may be after the constitution thereof* and subject to the provisions of Chapter XIII A* make and may from time to time alter or rescind rules, but not so as to render them inconsistent with this Regulation,

Regulating
the conduct of
business ;

(a) regulating the conduct of their business and the delegation of any of their powers or duties and, subject to the provisions of section 27, the appointment and constitution of committees ;

(b) determining,

Fixing the
functions of
the president
and the estab-
lishment.

(i) the executive functions to be performed by the president, vice-president, the chairman of any committee, and, subject to the provisions of Chapter XIII, in City Municipal Councils by the Chief Officer,* and subject to the provisions of Chapter XIII A, by the Municipal Commissioner* and the delegation of any of their powers or duties to such persons :

(ii) the staff of officers and servants to be employed by the Municipal Council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 37 ;

For general
guidance of
municipal ser-
vants.

(c) generally for the guidance of their officers and servants in all matters relating to the municipal administration ;

Fixing the
amount of the
security to be
furnished.

(d) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security ;

Determining
mode of ap-
pointing, etc.,
municipal ser-
vants ; dele-
gating power
to appoint,
etc.,

(e) subject to the provisions of section 184, determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant ;

[**] These words were inserted by Regulation IV of 1923.

(f) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;

Granting leave to municipal servants;

(g) subject to the provisions of the Mysore Service Regulations and to the special orders of Government, if any, regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances; and prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations of any such officers or servants whose death has been caused through the execution of their duty;

Fixing pensions, etc.

(h) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the Municipal Council or with the approval of the Municipal Council by the said officers and servants;

Contributing to provident funds,

(i) prescribing, subject to the provisions of Chapter VII, the taxes to be levied in the municipality for municipal purposes, the grounds on which exemptions are to be recognised, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes, and the limits of the charges or payments to be fixed in lieu of any tax under section 71, and the fees to be charged for licenses or permissions granted under section 70, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any livestock distrained, and designating the persons authorised to receive payment of any sums so leviable;

Prescribing the taxes, etc., to be levied for municipal purposes.

(j) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted by the managing committee.

For writing off amounts due and remitting fees.

Provided that—

*Approval required to rules.

*(a) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (b) (ii) (c), (e), (f) (g) and (h) in respect of any Municipal Council or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government.

Proviso as to officers transferred from or to the service of Government.

(b) If an officer serving or having served under a Municipal Council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a Municipal Council, the Municipal Council shall contribute to his pension and leave allowances to the extent required by the rules in force for the time being, made by the Government in this behalf.

Assent of Government required in certain cases of dismissal.

(c) The Municipal Council shall not, unless with the assent of Government, dispense with the services of any such officer transferred from the service of Government to the service of the Municipal Council or employed partly by Government and partly by the Municipal Council, or finally dismiss from the service of the Municipal Council any officer transferred from the service of the Municipal Council to the service of Government.

Power to suspend, reduce or abolish any existing tax.

47. Subject to the requirements of clause (a) of the proviso to section 46, every Municipal Council may, except as otherwise provided in clause (b) of the proviso to section 74, at any time for any sufficient reason, suspend, reduce or abolish any existing tax by suspending, altering or rescinding, any rule prescribing such tax under the provisions of clause (z) and of clause (a) of the proviso to section 46.

Power to make by-laws.

48. (1) Every Municipal Council may from time to time, with the previous sanction of the Government, make, alter or rescind by-laws, but not so as to render them inconsistent with this Regulation—

For markets and slaughter-houses, etc.

(a) for the regulation and inspection of markets and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein; and for fixing the rents and other charges to be levied

* This proviso was substituted for the original by Regulation IV of 1926.

for the use of any of them which belong to the Municipal Council;

(b) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the Municipal Council:—

For licensing, regulating, and inspecting certain businesses.

- (i) as a slaughter-house,
- (ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruit or vegetables,
- (iii) for any of the purposes mentioned in section 151,
- [a] (iv) as a dairy, hotel, restaurant, eating house, Coffee house, Sweetmeat shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or aerated waters;
- (v) as a place for the preparation or manufacture of oil;
- (vi) for parching grain or Bengal gram on a large scale;
- (vii) or for any other purpose for which the taking out of a license is or may be prescribed. [a]

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom;

[a] Provided that in respect of matters falling under sub clauses (iv), (v), (vi) and (vii), the power to frame bye-laws shall be exercised only by the City Municipal Councils and by such other Municipal Councils as may be empowered by the Government in this behalf. [a]

[b] (c) Prescribing the conditions on or subject to which and the circumstances in and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, workshop or work place in which it is

For licensing the use of steam whistles, etc.

[a.-a] Added by Regulation IV of 1926.

[b.-b] Substituted for the original by Regulation IV of 1926.

intended that steam, water, electrical or other mechanical power shall be employed, or for the use of whistles and trumpets, operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing work men or persons employed.

[b]

Regulating
the stalling of
cattle, etc.

(d) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health ;

For regulating
dairies and
cattle sheds.

(e) (i) for the inspection of milch-cattle ; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers ;

Milk-stores,
etc.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter ;

For inspection
of weights
and measures.

(f) for the inspection of weights and measures under section 143 ;

For registra-
tion of births,
etc ;

(g) for the registration of births, deaths and marriages, and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective ;

Regulating
the disposal of
the dead ;

(h) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead ;

For enforcing
information
as to epidem-
ics ;

(i) for enforcing the supply of information as to any cases of dangerous disease. and carrying out the provisions of sections 144, 145 and 147 ;

For enforcing
information
as to liability
to municipal
taxation ;

(j) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities any tax imposed therein ;

[a] (j) for the numbering and registration of any motor vehicle, bicycle or tricycle liable to taxation under this Regulation. [a]

(k) fixing octroi limits and stations ; providing for the exhibition of tables of octroi [b] requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn [b] ; regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality ; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained and the minimum amount for which any claim to refund may be made ;

Octroi bye-laws.

(l) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or without the limits of the municipality ; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the Municipal Council or not ;

For protecting water.

(m) regulating the use of public bathing and washing places within municipal limits ;

Regulating public baths, etc.

(n) regulating sanitation and conservancy ;

For conservancy.

[a] (nn) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (bb) of section 56. [a]

For constructing houses for the poor.

(o) regulating the disposal of carcasses of dead animals ;

For the disposal of carcasses.

(p) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, [a] floors [a] roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health ;

Regulating structures and buildings.

[b.-b] These words were added by Regulation IX of 1911.

[a-a] Added by Regulation IV of 1926.

For regulat-
ing, con-
struction or use
of buildings
for grain
shops and
stores and for
regulating,
construction
or use of
buildings so
that they may
not be a sour-
ce of nuisance
in residential
localities, etc.

[a] (*pp*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose. [a]

For providing
for streets.

(*q*) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets;

For ensuring
ventilation.

(*r*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air;

Requiring
qualified
surveyors
and plumbers
in City Muni-
cipalities.

(*s*) in a City Municipality, prescribing the qualifications of surveyors or persons by whom plans required under section 96 are to be prepared, or of plumbers; for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licenses; and for modifying the provisions of, or revoking such licenses; and prohibiting any alterations or repairs or fittings to water or drainage pipes or house-connections being carried out or made, except by such persons;

Control of
drains.

(*t*) regulating, in any other particular not specifically provided for in this Regulation, the construction, maintenance and control of drains, sewers, ventilation, shafts, receptacles for dung and manure, cess-pools, water-closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the Municipal Council or not;

Requiring
information
and plans in
certain cases.

(*u*) determining the information and plans to be required by the Municipal Council under sections 91 and 96;

For control-
ling unwieldy
traffic.

(*v*) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrains, along or over any street, except under such conditions as to time, mode of traction or locomotion, use

of appliances for protection of the roadway, number of lights and assistants, and other general precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws;

provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the Municipal Council in conspicuous places at or near both ends of such street or portion of a street ;

(w) generally for the regulation of all matters relating to municipal administration.

And every Municipal Council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

(2) Every Municipal Council shall, before making any by-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

(3) When any by-law made by a Municipal Council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law.

49. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Regulation in Kanarese and in the case of City Municipalities in English as well as in Kanarese, shall be kept on sale at cost price.

Regulating
municipal ad-
ministration.

Fine may be
imposed for
infringement
of by-laws.

Publication of
drafts of pro-
posed by-laws.

Objections
and sugges-
tions to be
submitted to
Government.

Rules and by-
laws to be
printed and
sold.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

Power to
acquire and
hold property.

Property
vested in the
Municipal
Council.

50. (1) Every Municipal Council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the Municipal Council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may become vested in the Municipal Council, be under their direction, management and control, and shall be held and applied by them as trustees, subject to the provisions and for the purposes of this Regulation ; that is to say—

(a) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, and public buildings of every description.

(b) All public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well.

(c) All public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter, or filth, or rubbish of any kind collected by the Municipal Council from the streets, houses, privies, sewers, cess-pools, or elsewhere.

(d) All public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto.

(e) All lands transferred to them by the Government, or by gift or otherwise, for local public purposes.

(f) All public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Power to Gov-
ernment to
resume pro-
perty.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the Municipal Council under this section on such terms as the Government may determine.

51. All money received by or on behalf of the Municipal Council by virtue of this or any other Regulation; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by them under this Regulation; all proceeds of land or other property sold by the Municipal Councils, and all rents accruing from their land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the Municipal Fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section:

Municipal Fund.

Provided that—

(a) Nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any Municipal Council by any declarations of trust executed by or on behalf of such Municipal Council, or by any scheme settled by order of Government for the administration of any trust:

Provision as to special trusts.

(b) A Municipal Council may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on them by sections 54, 55, or by or under section 61, or Chapter XII, credit to a separate heading in the municipal accounts any portion of the municipal fund received by them specially for, or devoted by them to, the purposes of schools or dispensaries or of water-works or fire-brigades, or other such purposes as the Government in this behalf approves, and, provided that there shall be credited to such special heading such sums only as expressly relate to the object for which the fund designated by such heading was created, the Municipal Council may apply the sums so credited exclusively to the respective objects to which they are so credited.

When special trusts may be created.

52. All property vested in the Municipal Council under this Regulation, and all funds received by them in accordance with the provisions of this Regulation, and all sums accruing to them under the provisions of any law for the time being in force, shall be applied, subject to the provisions and for the purposes of this Regulation, within the limits of the municipality:

Municipal property and funds how to be applied.

*Provided that any funds granted to the Municipal Council by the Government for any specific work or

*This additional proviso was added by Regulation IV of 1926.

purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf.

Provided always that it shall be lawful for the Municipal Council, with the sanction of the Government or any officer duly authorised by Government in this behalf,—

(a) to incur expenditure beyond the said limits,—

(i) in the acquisition of land, or

(ii) in the construction, maintenance or repair of works,

for the purpose of obtaining a supply of water required for the inhabitants of the municipality, or of establishing slaughterhouses or places for the disposal of night-soil or of sewage or of carcasses of animals beyond the said limits, or for drainage-works, or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the said municipality ; or

(b) to make a contribution towards expenditure incurred by any other Municipal Council, or in any area subject to the authority of a local board or incurred out of any public funds for measures affecting the health, instruction, or convenience of the public and calculated to benefit the residents within the limits of the contributing Municipal Council ; or

(c) to create scholarships tenable outside the limits of the Municipality.

Provided further that nothing in this section, or in any other provision of this Regulation, shall be deemed to make it unlawful for a Municipal Council, when with such sanction as aforesaid they have constructed works beyond the limits of the said municipality for the supply of water or for drainage as aforesaid—

(a) to supply, or extend to, or for the benefit of, any person or buildings or lands in any place, whether such place is or is not within the limits of the said municipality, any quantity of water not required for the purpose of this Regulation within the said municipality, or the advantages afforded by the system of such drainage works, on such terms and conditions, with regard to payment and to the continuance of such supply or advantages, as shall be settled by agreement between the Municipal Council and such person or the occupier or owner of such buildings or lands, or

(b) to incur any expenditure, on such terms with regard to payment as may be settled as aforesaid, for the construction, maintenance, repair or alteration of any connection pipes, or other works necessary for the purpose of such supply or for the extension of such advantages.

53. (1) It shall be lawful for the Municipal Council to deposit at interest with the Government Savings Bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in their hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the Municipal Council, and from time to time dispose of such securities as may be necessary.

Power to deposit and invest surplus funds.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government Treasury, or such other place of security as may be sanctioned by Government.

Surplus not so deposited or invested how to be dealt with.

53 A. *A Municipal Council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of Government and subject to such conditions as may be prescribed by Government as to security, the rate of interest and the repayment of principal and interest, borrow either from Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Regulation.

*This new section was added by Regulation VIII of 1914.

CHAPTER VI.

OBLIGATORY AND DISCRETIONAL FUNCTIONS
OF MUNICIPAL COUNCILS.

Duties of
Municipal
Councils.

54. It shall be the duty of every Municipal Council to make reasonable provision for the following matters within the municipality under their authority, namely:—

- (a) lighting public streets, places and buildings ;
- (b) watering public streets and places ;
- (c) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipal Council or not; removing noxious vegetation ; and abating all public nuisances ;
- (d) extinguishing fires, and protecting life and property when fires occur ;
- (e) regulating or abating offensive or dangerous trades or practices ;
- (f) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipal Council or belong to Government ;
- (g) securing or removing dangerous buildings or places, and reclaiming unhealthy localities ;
- (h) acquiring and maintaining, changing and regulating places for the disposal of the dead ;
- (i) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughterhouses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams, and the like ;
- (j) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost ;
- (k) naming streets and numbering houses ;
- (l) registering births and deaths ;
- (m) public vaccination ;

(n) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph;

(o) establishing and maintaining public hospitals and dispensaries, and providing public medical relief;

(q) [a] housing and maintaining destitute orphans and destitute cripples;

(r) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders require the Municipal Council to submit;

(s) paying the salary and the contingent expenditure on account of such police or guards as may be required by the Municipal Council for the purposes of this Regulation or for the protection of any municipal property, and providing such accommodation as may be required by Government under the law in force relating to Police;

(t) *promoting the development of economic condition with special reference to Education, Agriculture and Industries and Commerce.

55. Subject to such reasonable provision as is mentioned in section 54, every Municipal Council shall make reasonable provision for the following special matters, namely:

Special duties.

(a) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak, or suppress and prevent the recurrence, of the disease;

(b) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

56. Municipal Councils may, at their discretion, provide out of the said property and fund, either wholly or partly, for

Discretionary powers of expenditure of Municipal Council.

(a) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets;

(b) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest-houses and other public buildings;

[a] Sub-clause p was deleted by Regulation IV of 1926.

*Added by Regulation I of 1921.

[a] (bb) Constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor.

[a] (c) Granting loans to encourage Local Arts and Industries;

(d) planting and maintaining roadside and other trees;

(e, taking a census; and granting rewards for information which may tend to secure the correct registration of vital statistics;

(f) making a survey;

(g) arrangements for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to Police;

(h) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 151;

(i) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the Municipal Council;

(j) establishing and maintaining a farm or factory for the disposal of sewage;

(k) any other measure not specified in sections 54 and 55, likely to promote the public safety, health, convenience*; and

(l) with the previous concurrence, in the case of City Municipal Councils, of the Government, or, in other cases, of the Deputy Commissioner, any public reception, ceremony, entertainment, or exhibition within the municipality.

Arrange-
ments pur-
porting to be
binding
permanently
or for a term
of years.

57. When a Municipal Council have entered into any arrangement, or made any promise, purporting to bind themselves or their successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the Municipal Council or their successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that they shall have given at least twelve months'

[a] Added by Regulation IV of 1926.

* The words "or education" were deleted by Regulation I of 1921.

notice of their intention so to do to the manager or managers of such institution.

58. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the Municipal Council by which it is maintained :

Management of public institutions maintained by Municipal Councils to vest in them.

58A. [a] The extent of the independent authority of any Municipal Council in respect of economic development with reference to Education, Agriculture and Industries and Commerce and their relations with the Local Boards and other departments of the Government shall from time to time be prescribed by the Government.

58B. [b] The Government may, at any time, with the consent of the Municipal Council, transfer to such Municipal Council the management of any institution not otherwise provided for by this Regulation, and it shall thereupon be lawful to such Municipal Council to undertake the management thereof in accordance with such rule as Government may frame in this behalf :

Transfer by Government of the management of certain institutions to Municipal Council.

Provided that in every such case the funds necessary for such management shall be placed at the disposal of the Municipal Council by the Government.

[a] Added by Regulation I of 1921.

[b] Added by Regulation V of 1918 as amended by Regulation I of 1921.

CHAPTER VII.

MUNICIPAL TAXATION.

(I) *Imposition of taxes.*

Taxes which
may be
imposed.

59. Any Municipal Council—

(a) after observing the preliminary procedure required by section 60, and
(b) with the sanction of the Government, and subject to such modifications or conditions as under section 61 the Government in according such sanction deems fit,
may impose, for the purposes of this Regulation, any one or more of the following taxes: that is to say,

(i) a rate on buildings, or lands or both situate within the municipality, not exceeding in any case,

(1) six per centum on the annual letting value in City Municipalities, [c] and such other municipalities as may be specified by Government [c] and in other municipalities, eight annas for every hundred rupees or portion of hundred rupees of the market value up to Rs. 2,000, with four annas for every hundred rupees or portion of hundred rupees for the balance of such value in excess of Rs. 2,000: and

(2) in respect of lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use
* eight * annas for every * one hundred * square yards ;

(ii) a tax on all or any vehicles, boats, or animals used for riding, draught or burden, kept for use within the said municipality, at rates not

[c.-c.] Added by Regulation V of 1918.

[*-*] Substituted for the original words by Regulation V of 1918.

exceeding in any case those specified in Schedule I;

- (iii) a toll on vehicles and animals used as aforesaid, entering the said municipality, but not liable to taxation under the clause last preceding, at rates not exceeding in any case those specified in Schedule II;
- (iv) an octroi on animals or goods, or both brought within the octroi limits for consumption or use therein;
- (v) a tax on dogs kept within the said municipality, not exceeding one rupee in any one case;
- (vi) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required;
- (vii) a general sanitary cess for the construction or maintenance, or both construction and maintenance, of public latrines, and for the removal and disposal of refuse;
- (viii) a water-rate or water rates for water supplied by the Municipal Council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case:

Provided that the total net proceeds of the rate, with the estimated income from payments for water-supply from the works under special contracts, shall not exceed the amount required for the annual maintenance of the water-supply works and for the repayment with interest of the capital outlay thereon in such number of years as may be fixed by Government;

- (ix) a lighting tax, not exceeding in amount one-third of the rate leviable under clause (i);
- (x) a tax on arts, professions, trades and callings, and on offices and appointments, at rates not exceeding those specified in Schedule III;

- [a] (xi) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable half-yearly by the person or persons engaged in the business or profession at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned :

Provided that where a Municipal Council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause X in respect of the business or professions carried on in the shop or place ;

- [b] (xii) an educational cess not exceeding two annas in the rupee in the City Municipalities and one anna in the rupee in the other municipalities on taxes levied under clauses (i) and (x) to be utilised solely for purposes of education ;

- (xiii) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in sub-clause (i) of clause (a) of section 60.

[c] Provided that

(a) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of Government, be liable in respect of—

- (i) any building or part of any building belonging to Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit ;
- (ii) any vehicle, animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purpose of profit ;
- (iii) any building or part of a building used as a place of public worship or used for a charitable purpose ;

[a] Added by Regulation IV of 1926.

[b] Added by Regulation V of 1922.

[c] This proviso was added by Regulation IV of 1926.

(b) (i) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of H. H. the Maharaja or H. H. the Yuvaraja or for the location of the establishments of H. H. the Maharaja or H. H. the Yuvaraja, or in respect of any vehicle animal or other property belonging to H. H. the Maharaja or H. H. the Yuvaraja;

(ii) in respect of all other buildings owned by the Palace and used as rent-free residences no tax of any kind as aforesaid shall be leviable except a special sanitary cess and excess water-rate if any, which shall be recoverable from the occupants thereof,

(c) no toll shall be leviable for the passage of troops or the conveyance of the property of H. H. the Maharaja or H. H. the Yuvaraja or of Government Stores or of any other Government property or for the passage of Military or Police officers on duty or the passage or conveyance of any person or property in their custody,

[d] (d) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Mysore State Troops or of the British Indian Army, or in respect of one bicycle and one horse kept by the members of the Mysore Police Force or the Police Force of the C. and M. Station, Bangalore for the performance of their official duties,

(e) no special sanitary cess shall be leviable in respect of any private latrines, premises, or compounds, unless and until the Municipal Council have

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the Municipality or part of the municipality to be charged with such cess, one month's notice of the intention of the Municipal Council to perform such cleansing and to levy such cess,

(f) the Municipal Council, in lieu of imposing separately any two or more of the taxes described in

clauses (i), (vii), (viii) and (ix), may impose a consolidated tax assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure of
Municipal
Council preli-
minary to
imposing tax

60. Every Municipal Council before imposing a tax shall observe the following preliminary procedure:—

(a) they shall, by resolution passed at a general meeting,

- (i) select for the purpose one or more of the taxes specified in section 52;
- (ii) prepare rules for the purposes of clause (i) of section 46 prescribing the tax or taxes selected;
and shall by such resolution and in such rules specify;
- (iii) the class or classes of persons or of property, or of both, which the Municipal Council desire to make liable, and any exemptions which they desire to make;
- (iv) the amount for which, or the rate at which, it is desired to make such classes liable;
- (v) all other matters which the Government may so require to be specified.

(b) When such resolution has been passed, the Municipal Council shall publish the form of rules so prepared with a notice in the form of Schedule IV prefixed thereto.

(c) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the class of person or property to be made liable thereto or to any exemptions proposed, may, within one month from the publication of the said notice, send his objection in writing to the Municipal Council; and the Municipal Council shall take all such objections into consideration or shall authorise a committee to consider the same and report thereon, and, unless they decide to abandon or to modify the proposed tax in accordance with such objections, shall submit the same with their opinion thereon, together with the notice and rules aforesaid, to the Government.

Power to
sanction,
modify and
impose con-
ditions.

61. The Government may either refuse to sanction the rules submitted, or may return them to the Municipal Council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to

the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

- (a) without modification, or
- (b) subject
 - (i) to such modifications not involving an increase of the amount to be imposed or,
 - (ii) to such conditions as to the application within the municipality to any purpose or purposes of this Regulation specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

62. All rules sanctioned under section 61 with all modification subject to which the sanction is given, shall be published by the Municipal Council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the Municipal Council in accordance with all conditions, if any, subject to which under section 61 the sanction was given;

Publication of sanctioned rules with notice.

Provided that

- (a) a tax leviable by the year
 - (i) shall not come into force except on one of the following dates, *viz.*, the first day of July—the first day of October—the first day of January—the first day of April—in the official year in which such notice is published, and
 - (ii) if it comes into force on any day other than the first of July it shall be leviable by the quarter, till the first day of July then next ensuing,
- (b) on or before the day on which a notice is issued under this section, the Municipal Council shall publish such further detailed rules as may be required, and as may have been approved by the Government under clause (a) of the proviso to section 46, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it

or the instalments, if any, thereof, shall be payable,

- (c) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

(2)—*Assessment of and liability to rates.*

Preparation
of an assess-
ment list.

63. (1) When a rate on buildings or lands or both is imposed, the Municipal Council shall cause an assessment-list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing

- (a) the name of the street or division in which the property is situated;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the names of the owner and occupier, if known;
- (d) the annual letting value or other valuation on which the property is assessed; and
- (e) the amount of the tax assessed thereon.

Power to
inspect.

(2) For the purpose of making such assessment on property as aforesaid, the Municipal Council may from time to time appoint any person or persons, whether councillors or not, and whether remunerated or not; and any person or persons so appointed may for such purpose make an inspection of any such property.

[a] Provided that in a municipality for which there is a Municipal Commissioner such Municipal Commissioner may make such inspection. [a]

Returns to be
furnished.

(3) On the requisition of the Municipal Council or of such person,* or of the Municipal Commissioner as the case may be* the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

- (a) as to the name and place of abode of the owner or occupier or of both;

[a.-a.] This proviso was added by Regulation IV of 1923.

[*.-*.] Added by Regulation IV of 1923.

- (b) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

64. When the assessment-list has been completed, the Municipal Council shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Publication of notice of assessment-list.

65. (1) The Municipal Council shall, at the time of the publication of such assessment-list, give public notice of a time, not less than one month thereafter, when they will proceed to revise the valuation and assessment; and, in all cases in which any property is for the first time assessed or the assessment is increased, they shall also give notice thereof to the owner or occupier of the property, if known.

Public notice of time fixed for revising assessment-list.

(2) All objections to the valuation and assessment shall be made to the Municipal Council before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the Municipal Council for the purpose.

Objections how to be made.

(3) [a] In a municipality for which there is a Municipal Commissioner, such Municipal Commissioner and elsewhere, [a] the managing committee, or any committee or committees to which the Municipal Council delegate the powers and functions of the managing committee in this behalf, or any officer of Government to whom, with the permission of the Government the Municipal Council delegate, and they are hereby empowered so to delegate, the powers and functions of the managing committee in this behalf, shall, after allowing the applicant an opportunity of being heard in person or by agent,

Hearing of objections.

- (a) investigate and dispose of the objections,
- (b) cause the result thereof to be noted in the book kept under sub-section (2), and
- (c) cause any amendment necessary in accordance with such result to be made in the assessment-list.

(4) When all objections made under this section have been disposed of, and all amendments required by

Authentication of list.

sub-section (3) have been made in the assessment-list, the said list shall be authenticated [a] in a municipality for which there is a Municipal Commissioner by the signature of the Municipal Commissioner, and elsewhere [a] by the signature of the Chairman and at least one other member of the managing committee or, if the Municipal Council have delegated the powers and functions of the managing committee in this behalf to any other committee or to an officer of Government, by the signatures of not less than two members of such committee or of the officer aforesaid, and the person or persons so authenticating the list shall certify that no valid objection has been made to the valuation and assessment contained in the list except in the cases in which amendments have been made therein.

Custody and
inspection of
list.

(5) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons, and a notice that it is so open shall be forthwith published.

(6) Subject—

Authenticated
list how far
conclusive.

(a) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

(b) to the result of any appeal made under section 86,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes of all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment
of assessment-
list.

66. (1) The Municipal Council may at any time alter the said list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the valuation of or assessment on any property which has been erroneously valued or assessed through

[a]—[a] These words were added by Regulation IV of 1923.

fraud, accident or mistake, after giving notice to any person interested in the alteration, of a time, not less than one month from the date of service of such notice, at which the alteration is to be made.

(2) Every objection made by any persons interested in any such alteration, before the time fixed in the notice, and in the manner provided by sub-section (2) of the last preceding section, shall be dealt with in all respects as if it were an application under the said section.

Objections
how dealt
with.

(3) Every alteration made under this section shall, subject to the result of an appeal under section 86, have the same effect as if it had been made on the earliest day in the current official year in which the circumstances justifying the alteration existed.

Effect of
amendment.

67. (1) It shall not be necessary to prepare a new assessment-list every year. Subject to the condition that every part of the assessment-list shall be completely revised not less than once in every four years, the Municipal Council may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

New assess-
ment-list need
not be pre-
pared every
year.

(2) But the provisions of sections 64, 65 and 66 shall be applicable every year as if a new assessment-list had been completed at the commencement of the official year.

68. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the Municipal Council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely :

Tax from
whom pri-
marily levi-
able.

- (a) if the property is let, from the lessor ;
- (b) if the property is sublet, from the superior lessor ;
- (c) if the property is unlet, from the person in whom the right to let the same vests :

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to

Recovery
from occu-
piers.

the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater.

Remedy of occupier in such case.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Notice to be given to Municipal Council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

[a] "68A. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice of such transfer in writing to the Municipal Council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the Municipal Council.

Form of notice.

68B. (1) The notice to be given under the last preceding section shall be in the form either of Schedule IVA or Schedule IVB, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Municipal Council may, if they think it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under Section 57 of the Mysore Registration Regulation, 1903.

68C. Whenever such transfer comes to the knowledge of the Municipal Council either through such notice or otherwise, and after such enquiry as may be necessary, the name of the transferee shall be substituted in the Municipal registers for that of the person primarily responsible.

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

68D. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer

[a] Sections 68 A, 68 B, 68 C and 68 D were added by section 3 of Regulation VIII of 1914.

to the Municipal Council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the Municipal Council.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the Municipal Council on the premises conferred by Section 87 for the recovery of the taxes due thereupon. [a]

69. (1) When any building or land assessed to a rate, or in respect of which a special sanitary cess is payable, has remained vacant and unproductive of rent throughout the year, or the period in respect of which any instalment is payable, the Municipal Council shall remit or refund not less than one-half of the amount of such rate or cess or instalment, as the case may be:

Remission of tax in case of vacancies: when obligatory;

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the Municipal Council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

(2) When any such building or land as aforesaid—

When discretionary.

(a) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as afore said, or

(c) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value, the Municipal Council may remit or refund such portion, if any, of the rate or cess or instalment as they may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Burden of proof on claimant. Explanatory clause.

(4) For the purposes of this section a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

[a] Sections 68A, 68B, 68C, and 68D were added by section 3 of Regulation VIII of 1914.

(3) *Power to charge fees.*

Municipal Council may charge fees for certain licences.

70. (1) When any license is granted by the Municipal Council under this Regulation, or when permission is given by them for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the Municipal Council, the Municipal Council may charge a fee for such license or permission.

Market and other fees.

(2) The Municipal Council may also charge such fees as may be fixed by by-laws under clause (a) of sub-section (1) of section 48 for the use of any such places mentioned in that sub-section, as belong to the Municipal Council.

Farming of fees.

[a] (3) It shall be lawful for the Municipal Council to lease the levy of any fee that may be imposed under sub-section (2) by public auction or private contract provided proper security is taken from the lessee for the due fulfilment of the conditions of the lease.

Power of lessee to expel persons who refuse to pay fees.

(4) When any fee has been leased under sub-section, (3), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee, but refuses to pay it. [a]

(4) *Special provisions relating to certain taxes.*

Fixed charges and agreements for payment in lieu of taxes for water supplied.

71. (1) The Municipal Council may, instead of imposing a water-rate, or in individual cases, of levying a rate imposed in respect of the supply of water belonging to the Municipal Council to, or for use in connection with, any private lands or buildings,

(a) fix, at rates not exceeding such as shall be specified in the rules in force under section 46, charges for such supply according to the quantity used as ascertained by measurement.

(b) arrange with any person, on his application, to supply on payment, periodical or otherwise, water belonging to the Municipal Council in such quantities or for such purposes, whether domestic, ornamental, or irrigational, or for trade, manufacture or otherwise, on such terms and subject to such conditions as they shall fix by agreement with such person.

[a.-a.] These two sub-sections were added by Regulation IV of 1926.

Provided that—

(a) the meters, connection pipes and all other works necessary for and incidental to such supplies, and all future repairs, extensions and alterations of such works shall be under the control of the Municipal Council, and the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the Municipal Council, be defrayed by the persons liable in respect of such supplies, and

(b) all such supplies of water shall be, and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force under section 48.

(2) When the Municipal Council have made provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, they may, instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate, and the dates and other conditions for periodical payments thereof, which shall be determined either,

Power to fix a special rate in lieu of special sanitary cess.

- (i) in accordance with the rules for the time being in force under section 46, or
- (ii) by written agreement with the person who would have been otherwise liable for the cess, provided that, in fixing the amount, proper regard be had to the probable cost to the Municipal Council of the service to be rendered.

(3) When the Municipal Council have imposed a tax on vehicles or animals kept for use within the municipality they may compound with the keeper of any livery-stable or of horses or vehicles kept for sale and hire, for the payment of a lumpsum, for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

Power to compound tax on vehicles or animals.

(4) Every sum claimed by the Municipal Council as due under sub-section (1) as a charge fixed by agreement or otherwise on account of water-supply, or as expenses to be defrayed such as are referred to in that sub-section, or as a special rate under sub-section (2) or as a lumpsum payable under sub-section (3), shall for the purposes of

Recovery of sums claimed under this section.

Chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Certain rights
not affected
by section 71.

72. Nothing contained in section 71 shall affect the right or powers of the Municipal Council to contract with any person to supply for use beyond the limits of the municipality, at such rates and on such conditions as the Municipal Council may think fit, any quantity of water belonging to the Municipal Council but not required for the purposes of this Regulation.

Power of Gov-
ernment to
suspend or
prohibit levy
of objection-
able taxes.

73. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a Municipal Council, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said Municipal Council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the Official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

Power of Gov-
ernment to
require Muni-
cipal Council
to impose
taxes.

74. Whenever it appears to the Government that the balance of the municipal fund of any Municipal Council is insufficient for meeting the expenditure incurred under section 175 or under section 176 or for the performance of any duties in respect of which they shall have been declared under section 178 to have committed default, the Government may by notification require the Municipal Council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 59 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government consider fit, and the Municipal Council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the Municipal Council had been passed for the purpose under section 60:

Provided that—

(a) the Government shall take into consideration any objection which the Municipal Council or any

inhabitant of the municipality may make against the imposition or enhancement of such tax,

(b) it shall not be lawful for the Municipal Council to abandon or modify or to abolish such tax when imposed, and

(c) the Government may at any time cancel or modify any requisition made by it under this sub-section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and tolls.*

75. Every Municipal Council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (k) of sub-section (1) of section 48, after observing the requirements of sub-sections (2) and (3) of that section.

Octroi by-laws to be submitted with proposal for imposition of octroi.

76. (1) Every person bringing into, or receiving from beyond, the octroi limits of a municipality any article on which octroi is payable shall, when required by an officer authorised in this behalf by the Municipal Council and so far as may be necessary for ascertaining the amount of tax chargeable,

Power to examine articles liable to octroi.

(a) permit that officer to inspect, examine and weigh and otherwise deal with the article ; and

(b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

(2) If any person bringing into, or receiving from beyond, the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the Municipal Council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate or such officer of the Municipal Council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Power to search where octroi is leviable

Presentation
of bills for
octroi.

77. (1) Every officer demanding octroi by the authority of the Municipal Council shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for
evasion of
octroi.

(2) If goods passing into a Municipality are liable to the payment of octroi, then every person who, with the intention to defraud the Municipal Council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

Penalty for
selling arti-
cles liable to
octroi without
a license or
for being in
possession of
any such
article on
which octroi
has not been
paid.

77A. [a] (1) Any person selling or keeping for sale without a license any article liable to octroi for the sale of which a license is required to be obtained, or having in his possession any such article on which octroi has not been paid, shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or Rs. 100 whichever may be greater ; and

Seizure of
articles on
which octroi
duty has not
been paid and
arrest of per-
sons in pos-
session of
such articles.

(2) Any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same :

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the Municipality within twenty-four hours from the time of such seizure or arrest :

Provided also that nothing in this section shall apply to any such article not exceeding Rs. 200 in value kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and
arrests to be
governed by
the provisions
of the Crimi-
nal Procedure
Code.

(3) The provisions of the Code of Criminal Procedure shall, so far as may be, apply to all searches and arrests effected under this section [a].

[a.-a.] This section was added by Regulation IX of 1911.

78. Every Municipal Council imposing any toll under this Regulation shall cause to be kept at each place where such toll is to be collected a table in Kanarese, showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Tables of tolls to be shown on demand.

79. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a Municipal Council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle or animal on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal, or article seized a list of the property together with a written notice in the form of Schedule VII, that the said property will be sold as shall be specified in such notice.

Power to seize vehicle or animal on non-payment of octroi or toll.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Notice of sale.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the Municipal Council shall forthwith release the property seized.

Release of property on payment.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Sale.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the Municipal Council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the Municipal Council.

Surplus how dealt with.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

80. The Municipal Council, if they think fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the Municipal Council of the octroi so due from any such firm or body as the Municipal Council specify in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the Municipal Council or any committee or officer authorised by them in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Collection of octroi by one public body on behalf of others.

81. When any agreement such as is referred to in clause (b) of section 39 has been entered into, such one of the bodies entering into the agreement as by the terms thereof shall be specified in this behalf, shall have the same power to establish such octroi limits and octroi stations as that body may deem necessary, for the entire area in which the octroi is to be collected, and shall have the same power of collecting octroi on animals or goods or both brought within the limits so established, and the provisions of this Regulation relating to octroi shall apply in the same way, as if the limits so established were wholly comprised within the area subject to the control of the body by which they are so established, and the collections made and the costs thereby incurred shall, subject to the provisions of section 39, be divided between the funds respectively subject to the control of the bodies so entering into the agreement, in such proportions as shall have been determined in the said agreement.

Farming of tolls.

81A. [a¹ (1) It shall be lawful for the Municipal Council to lease the levy of any toll that may be imposed under this Regulation by public auction or private contract; provided that the lessee shall give security for the due fulfilment of conditions of the lease.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 79; provided that no article distrained may be sold except under the orders of the Municipal Council. [a]

[a.-a.] This section was added by Regulation IV of 1926.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

82. (1) When any amount—

Presentation
of bill for
taxes.

- (a) which, by or under any provisions of this Regulation, is declared to be recoverable in the manner provided by this chapter, or
- (b) which, not being leviable under sub-section (1) of section 79, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in any municipality,

shall have become due, the Municipal Council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Contents of
bill.

(2) Every such bill shall specify—

- (a) the period for which, and
- (b) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

- (i) the liability incurred in default of payment, and of
- (ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid
within fifteen
days, notice of
demand to
issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the Municipal Council may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form of Schedule V, or to the like effect.

In what cases
warrant may
issue.

83. (1) If the person liable for the payment of the said sum does not, within fifteen days from the service of such notice of demand, either—

- (a) pay the sum demanded in the notice, or
- (b) show cause to the satisfaction of the Municipal Council, or of such officer as the Municipal

Council by rule may appoint in this behalf, or in a City Municipal Council or the Chief Officer, [a] or of the Municipal Commissioner [a] if any, why he should not pay the same, or (c) prefer an appeal in accordance with the provisions of section 86 against the demand, such sum with all cost of the recovery may be levied under a warrant caused to be issued by the Municipal Council in the form of Schedule VI or to the like effect, by distress and sale of the moveable property of the defaulter.

(2) Every warrant issued under this section shall be signed by the president of the Municipal Council causing the same to be issued, or in the case of a City Municipal Council by the chairman of the managing committee or by an officer to whom the Municipal Council have delegated their powers under section 37 or by the Chief Officer, [a] or by the Municipal Commissioner if any. [a]

Warrant by whom to be signed.

[b] (2a) Where the property is in the area under the control of the Municipal Council the warrant shall be addressed to an officer of the Municipal Council. Where the property is in another Municipality, or in a place which is not a Municipality, the warrant shall be addressed to the President of the Municipal Council concerned or to the Amildar of the Taluk as the case may be; provided that such president or Amildar may endorse such warrant to a subordinate officer.

To whom the warrant should be addressed.

(3) It shall be lawful for any * officer to whom a warrant issued under sub-section (2) is addressed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance. Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three

Power of entry under special order.

[a.-a.] Added by Regulation IV of 1923.

[b] Added by Regulation IV of 1926.

* The word 'Municipal' between the words 'any' and 'officer' was deleted by Regulation IV of 1926.

hours' notice of his intention, and has given such women an opportunity to remove.

Warrant how
to be exe-
cuted.

(4) It shall also be lawful for such officer to distrain, wherever it may be found, any movable property of the person therein named as defaulter subject to the following conditions, exceptions and exemptions, name'y :—

(a) The following property shall not be distrained:—

- (i) the necessary wearing apparel and bedding of the defaulter, his wife and children,
- (ii) the tools of artizans,
- (iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(b) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant, should not have been so distrained, they shall forthwith be returned.

(c) The officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure, a written notice in the form of Schedule VII that the said property will be sold as shall be specified in such notice.

Sale of goods
distrained.

84. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or chairman or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when seized, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Application of
proceeds of
sale.

(2) If not sold at once under sub-section (1), the property seized or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the

warrant, sold by public auction under the orders of the Municipal Council, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person from whose possession the property was taken, but if the same be claimed by written application to the Municipal Council within one year from the date of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the Municipal Council.

Surplus if
any, how
dealt with.

[a] 84A. Where the warrant is addressed outside the municipality the authority issuing the warrant may by endorsement direct the officer to which the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued.

Distrain and
sale outside
the municip-
ality.

85. Fees for—

- (a) every notice issued under sub-section (3) of section 82,
- (b) every distress made, and
- (c) the costs of maintaining any live stock seized under this section,

Fees and costs
chargeable.

shall be chargeable at the rates respectively specified in such behalf in the rules of the Municipal Council, and shall be included in the costs of recovery to be levied under section 84.

86. Appeals against any notice of demand issued under sub-section (3) of section 82, may be made to any Magistrate or Bench of Magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried.

Appeals to
Magistrates.

But no such appeal shall be heard and determined unless—

- (a) the appeal is brought within fifteen days next after service of the notice of demand complained of; and

[a] This new section was added by Regulation IV of 1926.

(b) an application in writing, stating the grounds on which the claim of the Municipal Council is disputed, has been made to the Municipal Council as follows, that is to say :

(i) in the case of a rate on buildings or lands, within the time fixed in the notice given under section 65 or 66 of the assessment or alteration thereof, according to which the bill is prepared,

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 82, within fifteen days next after the presentation of such bill ; and

(c) the amount claimed from the appellant has been deposited by him in the municipal office.

Liability of
land, build-
ings, etc., for
rates.

87. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 68, shall subject to prior payment of land revenue, if any, due to Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the movable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes :

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Suspension of
power to
recover by
distress and
sale.

88. The Government may at any time by notification suspend the operation of sections 83 and 84 in any municipality, in which there is not a City Municipal Council, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a Magistrate, in the manner provided in sub-section (2) of section 161 for the recovery of such fines as are therein referred to, and not otherwise.

Receipts to be
given for all
payments.

89. For all sums paid on account of any tax under this Regulation, a receipt stating the amount, and the tax on account of which it has been paid, shall be tendered by the person receiving the same.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(1) *Powers in respect of streets.*

90. (1) It shall be lawful for the Municipal Council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and, subject to the provisions of sub-section (2) of section 40, to sell any such land, theretofore used or acquired by the Municipal Council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Regulation.

Power regard-
ing streets,
etc.

(2) In laying out or making, or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the Municipal Council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 40, may sell and dispose of the same in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as they may think fit.

(3) When the Municipal Council consider that in any street, not being a public street, or in any part of such street, within the municipality, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the Municipal Council may by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice.

Power to
require repair
of streets;

(4) After such work has been carried out by such owners or, as provided in section 156, by the Municipal Council at the expense of such owners, the street or part thereof in which such work has been done shall on the joint requisition of a majority of the said owners, be declared

and to declare
such streets
public.

by a public notice, put up therein by the Municipal Council, to be a public street.

Power to
declare any
street a public
street subject
to objections
by the owners.

(5) A Municipal Council may, at any time, by notice fixed up in any street or part of a street not maintainable by the Municipal Council, give intimation of their intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street lodges or lodge objections thereto at the municipal office, the Municipal Council may, by notice in writing put up in such street, or such part, declare the same to be a public street.

New streets.

91. (1) Every person intending to lay out or make any new street, shall give notice in writing thereof to the Municipal Council, and shall furnish plans and sections showing the intended level, means of drainage, direction and width of such street, if required by the Municipal Council to do so and the level, means of drainage, direction and width of every such street shall be fixed or approved by the Municipal Council.

(2) Before passing orders under sub-section (1), the Municipal Council may either issue.--

Power of
Municipal
Council to
pass orders.

(a) a provisional order directing that, for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(b) a demand for further particulars.

(3) If—

Right to
proceed in
certain cases

(a) within one month from the receipt of the notice given under sub-section (1), the Municipal Council have neither

(i) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (1) with regard to level, means of drainage, direction and width of the street, nor

(ii) under sub-section (2), issued any provisional order or demand for further particulars, or if

(b) the Municipal Council, having issued such demand for, and having received, in accordance with the demand and with the by-laws in force in this behalf, such further particulars, have issued no further orders within one month from the receipt of such particulars, then the street may be laid out and made, in such manner

as may have been specified in the notice, and as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder.

(4) Whoever lays out, makes or builds upon any such street, either without giving the notice required by sub-section (1), or, except in accordance with the provisions of sub-section (3), without awaiting, or otherwise than in accordance with, the instructions issued by the Municipal Council, or in any manner contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the Municipal Council may cause any street so laid out or made to be altered, and any building erected in such street contrary to their directions to be altered, or removed, and the expense thereby incurred shall be paid to them by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII. Penalty.

*91A. (1) It shall be lawful for any City Municipal Council and such other Municipal Council as may be notified by Government in this behalf, to prescribe a line on other side or both sides of any public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof. The Regular line of public street.

Provided that—

(a) at least one month previous to prescribing such line or such fresh line, as the case may be, the Municipal Council shall notify the same in the *Mysore Gazette* and shall give public notice of it and they shall also put up special notice thereof in this street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(b) the Municipal Council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the Municipal Council within such time as they may specify in such public or special notice; and

(c) the Municipal Council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed

therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called 'the regular line of the public street.'

(3) (a) Except under the provisions of section 113, no person shall construct, or reconstruct any portion of any building, within the regular line of the public street without the permission of the Municipal Council under section 96.

(b) Where the Municipal Council refuses permission to construct or reconstruct any building in any area shall thenceforth be vested in the Municipal Council and deemed part of the public street.

(c) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 160, shall be paid by the Municipal Council to the owner of any land vesting in the Municipal Council under clause (b) of Sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the Municipal Council under the said clause (b).

(4) Whoever contravenes the provisions of Sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the Municipal Council may—

(a) direct that the building be stopped, and (b) by a written notice, require such building or portion thereof to be altered or demolished as they may deem necessary.

(2) *Powers to regulate buildings, etc.*

Setting back
projecting
buildings.

92. (1) If any part of a building projects beyond the regular line of a public street either as existing or as determined upon for the future, or beyond the front of the building on either side thereof, the Municipal Council may,—

(a) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some

portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the Municipal Council.

(2) If any land, not vested in the Municipal Council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the Municipal Council, after giving the owner of the land not less than fifteen clear days' written notice of their intention, or if the land is vested in Government, then with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the Municipal Council.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 160, shall be paid by the Municipal Council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Municipal Council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 119 applies.

Compensation payable by the Municipal Council.

93. The Municipal Council may, upon such terms as they think fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Setting forward to regular line of street.

***93A.** (1) The Council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

Buildings at corner of streets.

* Added by Regulation IV of 1926.

(2) For any land so acquired, the Municipal Council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Roofs and external walls of buildings not to be made of inflammable materials.

94. (1) The external roofs and walls of buildings erected or renewed after coming into force of this Regulation shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the Municipal Council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

Power to require renewal of roof and wall if inflammable.

(2) The Municipal Council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Regulation came into force, and whether it was made with or without the consent of the Municipal Council.

Penalty.

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Level of buildings.

95. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the Municipal Council, or into some stream or river, or some cesspool, or other suitable place which may be approved of by the Municipal Council.

Rat-proof building for warehouse for storing grain.

***95A.** The municipal Council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Provided that the provisions of this section shall be enforceable only within such areas as may be notified by

the Municipal Council from time to time with the previous approval of Government.

96. (1) Before beginning to erect any building, or to alter externally or add to any existing building, or to reconstruct any projecting portion of a building in respect of which the Municipal Council is empowered by section 92 to enforce a removal or set-back, the person intending so to build, alter, or add shall give to the Municipal Council notice thereof in writing, and shall furnish to them, at the same time, if required by a by-law or by a special order to do so, a plan showing the levels at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Municipal Council, and all information they may require regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets.

Notice of new buildings.

*(2) The Municipal Council may issue such orders not inconsistent with this Regulation as they think proper with reference to the work proposed in such notice, and may either give permission to erect or alter or add to the building according to the plan and information furnished, or may impose in writing such conditions as to level, drainage, sanitation or ventilation, or with reference to the location of the building in relation to any existing building or street, existing or projected, or prohibiting its use as a factory or, where the Municipal Council have been specially empowered by Government in this behalf; such conditions as to design or materials or to the dimensions or the cubical contents of the rooms, as they think proper.

Powers of Municipal Council to pass orders.

(3) Before issuing any orders under sub-section (2) the Municipal Council may within one month from the receipt of such notice either issue,

Or to suspend the work or to require further particulars.

(a) a provisional order directing that for a period, which shall not be longer than three months from the date of such order, the intended work shall not be proceeded with, or

(b) may demand further particulars.

(4) A building proposed in a notice given under sub-section (1) may be proceeded within such manner, as

Right to proceed in certain cases.

* Substituted for the original by Regulation IV of 1926.

may have been specified in such notice as is not inconsistent with any provision of this Regulation or of any by-law for the time being in force thereunder in the following cases, that is to stay :—

(a) in case the Municipal Council, within one month from the receipt of the notice given under sub-section (1), have neither

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work ; nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars ;

(b) in case the Municipal Council having issued such demand for, and having received in accordance with the by-laws in force in this behalf, such further particulars, have issued no further orders within one month from the receipt of such particulars.

Provided that no person, who becomes entitled under this sub-section to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first becomes entitled so to proceed therewith.

(5) Whoever begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to, such legal orders of the Municipal Council as may be issued under this section, or in any other respect contrary to the provisions of this Regulation or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the Municipal Council may—

(a) direct that the building, alteration, or addition be stopped, and

(b) by written notice, require such building, alteration or addition to be altered or demolished, as they may deem necessary.

(6) The Municipal Council or any officer deputed by them may at any time inspect the erection of any building without giving notice of their or his intention to do so, and at any time during the erection of a building or the

execution of any such work as aforesaid, or at any time not later than one month after being informed in writing by the person responsible for giving a notice under subsection (1) that the erection of the building, or the execution of any such work as aforesaid has been completed, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Regulation or of any by-law made under this Regulation at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision or by-law to be amended, or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

EXPLANATION.—The expression “to erect a building” throughout this chapter includes—

- (a) any material alteration, enlargement or reconstruction of any building,
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation,
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place.
- (d) the conversion of two or more places of human habitation into a greater number of such places,
- (e) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and
- (f) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, reconstructed, converted, or added to, shall, for the purpose of this chapter, be deemed to be a new building.

97. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Regulation comes into operation,

Regulation of
huts.

without giving previous notice to the Municipal Council; and the Municipal Council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Municipal Council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to them may seem necessary. If any hut or shed or range or block be built without giving such notice to the Municipal Council, or otherwise than as required by the Municipal Council, the Municipal Council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the Municipal Council may think fit.

Improvement
of huts.

98. (1) Whenever the Municipal Council are of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Regulation comes into operation or subsequently erected, are by reason

- (a) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or
- (b) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or
- (c) of the impracticability of scavenging,

attended with risk of disease to the inhabitants or the neighbourhood, they shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the Municipal Council for that purpose, to take down and remove such hut or shed, or to execute such operations as the Municipal Council may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the Municipal Council may cause the said huts or sheds to be

taken down, or such operations to be performed in respect of such huts or sheds as they may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the Municipal Council, the Municipal Council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the Municipal Council until the person interested therein shall obtain the order of a competent Court for the payment of the same.

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down under this section by order of the Municipal Council or in pursuance of their notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 160.

(3) *Powers connected with drainage,* water works,* etc.*

99. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the Municipal Council. Municipal control over drains, etc.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the Municipal Council or other persons to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the Municipal Council may by written notice call upon the owner of any such covered sewers, drains, or cesspools to make provision accordingly.

100. (1) In order to carry out any drainage scheme, it shall be lawful for a Municipal Council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality. Powers for making drains.

(2) The Municipal Council, or any officer appointed by them for such purpose, may enter upon and construct

* Added by Regulation VIII of 1915.

any new drain in the place of an existing drain in any land wherein any drain vested in the Municipal Council has been already constructed, or may repair or alter any drain vested in the Municipal Council.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 160, shall be paid by the Municipal Council to any person who sustains damage by the exercise of such power.

Sufficient
drainage of
houses,

101. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the Municipal Council, the Municipal Council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as they think necessary for the drainage of such building or land into—

(a) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(b) a covered cesspool to be provided by such owner.

New buildings
not to be
erected with-
out drains.

(2) It shall not be lawful newly to erect any building, or to re-build any building, or to occupy any building newly erected or re built, unless and until—

(a) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the Municipal Council to be necessary for the effectual drainage of such building;

(b) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the Municipal Council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the Municipal Council direct.

102. The owner or occupier of any building or land within the municipality shall be entitled to cause his drains to empty into sewers of the Municipal Council, provided that he first obtains the written permission of the Municipal Council, and that he complies with such conditions as the Municipal Council prescribe as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the Municipal Council and drains which are so vested.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

103. (1) If the owner or occupier of any building or land proves to the satisfaction of the Municipal Council that he cannot connect the same with any municipal drain otherwise than by means of a drain to be constructed through land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, the Municipal Council, after giving to such other person a reasonable opportunity of stating any objection to such application, may, if no objection is raised or if any objection which is raised is in their opinion insufficient, by an order in writing authorise the owner or occupier first mentioned to carry his drain into, through or under the said land, or into the said drain as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains, as may appear to them to be adequate and equitable.

Right to carry drain through land or into drain belonging to other persons how and on what conditions to be authorised by Municipal Council.

(2) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset, and, subject to all the provisions of this Regulation, to do all such work as may be necessary—

Written order of Municipal Council authority for execution of necessary work.

(a) for the construction or connection of the drain as may be authorised by the said order or

(b) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

Work how to
be carried out.

104. In executing any work under section 103, as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall

(a) cause the work to be executed with the least practicable delay;

(b) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and

(c) pay compensation to any person who sustains damage by the execution of the said work.

Rights of
owner of land
through
which drain is
carried, in
regard to
subsequent
building
thereon.

105. If the owner of any land into, through or under which a drain has been carried under section 103 whilst such land was unbuilt upon, shall at any subsequent time desire to erect a building thereon, the Municipal Council may, if they sanction the erection of such building, by written notice require the owner or occupier of the building or land for the benefit of which such drain was constructed to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as they may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building; and may also, by written notice require the person desiring to erect the building to make such alterations in the location of the building with reference to the drain, or in the details of the construction of the building, and on such terms, as the Municipal Council may deem to be necessary for the maintenance of the drainage connection.

Provision of
privies, etc.

106. (1) In case the Municipal Council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the Municipal Council may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the Municipal Council may deem proper.

(2) The Municipal Council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or

managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the Municipal Council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The Municipal Council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as they may direct any privy door or trap door which opens on to any street, and which they deem to be a nuisance.

107. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the Municipal Council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the Municipal Council may by written notice require such owner to alter, repair and put the same in good order in such manner as they think fit.

Cost of altering, repairing and keeping in proper order privies, etc.

(2) The Municipal Council may by written notice demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Regulation, which in the opinion of the Municipal Council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

108. When any building or land within the municipality has a drain communicating with any cesspool or sewer, the Municipal Council, if they consider that such drain, though it may be sufficient for the drainage of such building or land, and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the municipality, may close such drain, and such cesspool or sewer, whether it is or is not on land vested in the Municipal Council, on providing a drain or drains equally effectual for the drainage of such building or land, and the Municipal Council may do any work necessary for the purpose.

Power to close existing private drains.

109. The Municipal Council may by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped—

Power in respect of sewers etc., unauthorisedly constructed, rebuilt or unstopped.

- (a) after such land became part of a municipality, and ;

(b) either without the consent or contrary to the orders, directions or general regulations or by-laws of the Municipal Council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped, shall be demolished, amended or altered as they may deem fit, by the person by whom it was so constructed, re-built or unstopped, and every person so constructing, rebuilding or unstopping any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Enforcement
on
municipal
drains, etc.

110. (1) Whoever, without the written consent of the Municipal Council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the Municipal Council, shall be punished with fine which may extend to twenty-five rupees, and the Municipal Council may by written notice require such person to demolish, alter, re-make or otherwise deal with such drain as they may think fit.

(2) No building shall be newly erected or re-built over any sewer, drain, culvert or gutter vested in the Municipal Council without the written consent of the Municipal Council, and the Municipal Council may by written notice require the person who may have erected or re-built such building to pull down or otherwise deal with the same as they may think fit.

Inspection of
drains, etc.

111. (1) The Municipal Council or any officer appointed by them for such purposes may, subject to the restrictions of this Regulation, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little damage as may be.

Expense of
inspection
when to be
borne by the
Municipal
Council.

(2) The expense of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the Municipal Council unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any by-laws of the Municipal Council in force at the time, in which

case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

112. (1) The Municipal Council may, if they think fit, cause any work of the nature to which this sub-chapter applies, to be executed by municipal or other agency under their own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Municipal Council may execute certain works under this sub-chapter without allowing option to persons concerned of executing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the Municipal Council shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

Expenses in such cases by whom to be paid.

(3) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the Municipal Council, be deemed to be municipal property, unless the Municipal Council shall have transferred their interest therein to the owner of such buildings or lands.

*112A. The Water-Supply Department of Government or the Municipal Council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the Municipal Council have and are subject to, under the provisions hereinbefore contained, for carrying, renewing and repairing drains within the municipality.

Power of carrying water mains, etc.

(4) *Powers regarding external structures, etc.*

113. (1) The Municipal Council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the Municipal Council may

Permission necessary for certain projections.

fix by bye-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of
projections.

(3) The Municipal Council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(a) overhangs or juts into, or in any way projects or encroaches upon, any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(b) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the Municipal Council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the Municipal Council, make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 160.

Troughs and
pipes for rain
water.

114. The Municipal Council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in

such manner as they may think fit, so that it shall not fall upon the persons passing along the street.

115. The Municipal Council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of the law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive purposes, or such pipes as they may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Fixing of
brackets, etc.,
to houses.

116. (1) The Municipal Council may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

Naming
streets and
numbering
houses.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the Municipal Council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

117. Any person

(a) who, without the consent of the owner or occupier, affixes any posting bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence or pale, or

Penalty for
defacing
building, etc.

(b) who, without such consent as aforesaid writes upon, soils, defaces or marks any such building, wall, board, fence or pale with chalk or paint or in any other way whatsoever,

shall be punished with fine which may extend to twenty rupees.

118. The Municipal Council may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet

Removal and
trimming of
hedges, trees,
etc.

from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct or which they deem likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health, safety and convenience.*

Ruinous or dangerous buildings.

119. (1) If any building, or anything affixed thereon, be deemed by the Municipal Council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the Municipal Council shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers; all expenses incurred by the Municipal Council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Action to be taken on default by owner or occupier.

(2) The Municipal Council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the Municipal Council shall cause all or so much of such building or thing, as they shall think necessary, to be taken down, repaired, or otherwise secured.

Provided if danger is not imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the Municipal Council, instead of themselves causing a hoard or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoard or fence, and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a hoard or fence which the Municipal Council consider sufficient in the circumstances of the case, the Municipal Council shall at once cause such hoard or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

120. (1) The Municipal Council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water-supply, shall, whether it is private property or not.

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

(a) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(b) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(c) in such manner as the Municipal Council prescribe, protect any such source of water-supply from pollution by surface drainage, or

(d) within twenty-four hours of such notice, repair, protect or enclose in such manner as the Municipal Council approve, any such source of water-supply other than a stream in its natural flow, if for want of sufficient repair, protection or inclosure, such source of water-supply is in the opinion of the Municipal Council dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(e) desist from using and from permitting others to use for drinking purposes any such source of water-supply which, not being a stream in its natural flow, is proved to the satisfaction of the Municipal Council to be unfit for drinking; or

(f) if notwithstanding any such notice under clause (e) such use continues and cannot, in the opinion of the Municipal Council, be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the Municipal Council consider sufficient to prevent such use, such source of water-supply as aforesaid; or

(g) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Municipal Council consider is injurious to health or offensive to the neighbourhood.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of subsection (1), the Municipal Council may, and if in their opinion immediate action is necessary to protect the health

Remedy on non-compliance with directions issued.

or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the Municipal Council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the Municipal Council or necessarily incurred by such owner or person having such control, may, if the Municipal Council so direct, be paid from the municipal fund.

Displacing
pavements,
to.

121. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the Municipal Council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for
failure to re-
place after
notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the Municipal Council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Obstructions
and encroach-
ments upon
public streets
and open
spaces.

122. (1) Whoever in any place after it has become municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The Municipal Council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised' obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the Municipal Council or not, provided that if the space be vested in Government the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the Municipal Council from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 113, or in any case where permission has been given under sub-section (4) of this section.

123. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such work

Hoads to be set up during repairs, etc.

(a) first obtain a license in writing from the Municipal Council so to do, and

(b) cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoard or fence standing and in good condition to the satisfaction of the Municipal Council during such time as the public safety or convenience requires, and shall cause the same

to be sufficiently lighted during the night, and shall remove the same when directed by the Municipal Council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

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124. (1) The Municipal Council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains, or posts to be fixed across or in any of the streets to prevent the passage of carriages, carts, or other vehicles, or of cattle or horses, while such works are carried on, as to them shall seem proper; and the Municipal Council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the Municipal Council, shall be punished with fine which may extend to fifty rupees.

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125. (1) No person shall, without the written permission of the Municipal Council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the Municipal Council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the Municipal Council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

126. If in the opinion of the Municipal Council the working of any quarry, or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof, or creates or is likely to create a nuisance, the Municipal Council may, by written notice, require the owner of the said quarry or place, or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material, or to take such order with such quarry or place as the Municipal Council shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom. dangerous quarrying.

Provided that if such quarry or place is vested in Government, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of Government, or any person acting with the permission or under the authority of Government or of any officer of Government acting as such, the Municipal Council shall not take such action unless and until the Deputy Commissioner has consented to their so doing.

Provided further that the Municipal Council shall immediately cause a proper hoard or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this section it appears to them to be necessary in order to prevent imminent danger, and any expense incurred by the Municipal Council in taking action under this section shall be paid by such owner or other person as aforesaid, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(6) *Powers for the prevention of nuisance.*

127. (1) Whoever deposits, or causes or suffers any member of his family or household to deposit, any dust, dirt, dung, ashes, garden, kitchen or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthen-ware or other rubbish, or any other thing that is or may be a nuisance, in any street or in any arch under a street, or in any drain beside a street or on any open space or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the Municipal Council, and whoever commits, or suffers any member of his family to commit, nuisance Depositing dust, etc.

in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts, or causes or suffers any member of his family or household to throw or put, any of the matter above described, or, except with the permission of the Municipal Council, any night-soil into any sewer, drain, culvert, tunnel gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging
sewage, etc.

128. Whoever causes or allows the water of any sink or sewer, or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the Municipal Council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal
of filth, etc.

129. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from, and to cleanse and purify; such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees, for every day on which such offence is continued, after the date of the first conviction.

Removal of
night soil.

130. (1) The Municipal Council may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter.

(2) Whoever,

(a) when the Municipal Council have fixed such hours, and given public notice thereof by beat of drum, removes, or causes to be

removed, along any street any such offensive matter at any time except within the hours so fixed, or

- (b) at any time, whether such hours have been fixed by the Municipal Council or not,
 - (i) uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom, or
 - (ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or
 - (iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or
 - (iv) places or sets down in any public place any vessel containing such offensive matter, or
 - (v) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid, through any street or by any route, other than such as shall from time to time be appointed for that purpose by the Municipal Council by public notice,

shall be punished with fine which may extend to twenty-five rupees.

131. (1) Whoever, being the owner or occupier of any building or land, whether tenentable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the Municipal Council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the Municipal Council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

Filthy buildings, etc.

(2) Should the state of the building be such as in the judgment of the Municipal Council to render it unfit for human habitation, they may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

Deserted and
offensive
buildings.

(8) If any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby

(a) becoming a resort of idle and disorderly persons or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or

(b) coming into use for any insanitary or immoral purpose, or

(c) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the Municipal Council, if they consider such objection cannot under any other provision of this Regulation, be otherwise removed, may, if there is any person known or resident within the municipality who claims to be the owner of such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building, require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof to be removed; and in the event of non-compliance with such requirement, the Municipal Council, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by them in so doing, and all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Power to
enter and
inspect, etc.,
buildings.

132. It shall be lawful for the President, Vice-President, or any Councillor or Officer authorised by the Municipal Council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Bathing
places.

133. (1) The Municipal Council may set apart sufficient public places for the purpose of being used as

bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use for any purpose mentioned in this section, of any or all other public places within the municipality.

(2) Copies of all orders passed and notices issued by the Municipal Council and for the time being in force under this section, shall be kept at the Municipal Office and shall be open for inspection by the public at all reasonable times.

134. (a) Whoever, in disobedience of any order of the Municipal Council under Section 133, or of any by-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit and aqueduct belonging to the Municipal Council, or washes, or causes to be washed, therein any animal or anything, whatever, or throws, puts or casts or causes to enter therein any animal or anything, or causes or suffers to run, drain or be brought there into anything that is, or may become, a nuisance, or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and

polluting
water.

(b) whoever, without permission of the Municipal Council, steeps in any tank, stream, or ditch within, or on the boundary of, the municipality, any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance, shall be punished with fine which may extend to fifty rupees.

135. When any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, or any channel or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise, shall appear to the Municipal Council to be likely to prove injurious to the health of the inhabitants or offensive to neighbourhood, the Municipal Council may by written notice, require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall, in their opinion, be necessary to abate or remove the nuisance.

Abatement of
nuisances.

136. Whoever, except with the written permission of the Municipal Council, and in the way, if any, enjoined

Using offen-
sive manure
etc.

in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

Tethering
cattle, etc.

137. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Keeping
swine.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Licensing of
goats and
pigs.

***137A.** Within such limits as a City Municipal Council may direct, no person shall keep more than five pigs or more than ten goats without a license from the Municipal Council. The Municipal Council may charge an annual fee not exceeding Rs. 2 for such license and may impose such conditions in respect of such license as they may think necessary. Whoever keeps any pigs or goats contrary to the provisions of this section shall be punishable with fine which may extend to Rs. 25.

Consumption
of smoke.

138. (1) It shall be lawful for the Municipal Council to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipality, whether a steam-engine be or be not used or employed therein, shall, in all cases, be constructed, supplemented or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace.

(2) If any person shall after such direction, use or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use, or permit to be used, any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending, being the owner or occupier of the said works or buildings or, being an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees, and upon any subsequent conviction to five hundred rupees.

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

(7) *Regulation of markets, sale of food, etc.*

139. (1) It shall be lawful for the Municipal Council to direct that no place shall be used as a market for the sale of animals, meat, fish, fruit or vegetables intended for human food, or as a slaughterhouse, excepting the public markets or slaughterhouses, constructed or opened by the Municipal Council, or such other markets or slaughterhouses as may have been licensed in writing by the Municipal Council, who may, at their discretion, from time to time grant, suspend, withhold or withdraw such licenses, either generally or in individual instances.

Licensing
markets and
slaughter-
houses.

(2) No person shall in any municipality in which bye-laws are in force prescribing the conditions on and subject to which, and the circumstances in which, licenses for shops for the sale of such commodities may be granted, refused, suspended or withdrawn, use without a license from the Municipal Council granted in accordance with bye-laws made under clause (b) of sub-section (1) of section 48 any place as a shop for the sale of animals, meat, or fish, intended for human food, except in a municipal or licensed market.

(3) Whoever contrary to such direction or without the license required as aforesaid, or otherwise than in accordance with the conditions on or subject to which such license was granted, sells or exposes for sale any such animals or commodities, or uses or permits the use of a place as a shop for the sale thereof, or uses any place as a slaughterhouse, shall be punished with fine which may extend to twenty-five rupees.

(4) Upon a conviction being obtained in respect of any place which has, without or during the suspension or after the withdrawal of a license been used or permitted to be used as a slaughterhouse or shop for such sale as aforesaid, the Magistrate shall, on the application of the Municipal Council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps, to prevent such place being so used; and every person who so uses or permits the use of the place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during

which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

(5) Nothing contained in this section shall apply to the use of any hotel or eating house for the sale of food served for consumption on the premises.

Opening, closing, and letting of markets and slaughterhouses.

140. (1) The Municipal Council may from time to time open or close any public market or slaughterhouse. They may also either take stallage or other rents or fees for the use by any person of any such market or slaughterhouse or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughterhouse.

(2) Any person who, without the permission or license of the Municipal Council, shall sell or expose for sale any article in the said markets, or use the said slaughterhouses, shall be punished with fine which may extend to twenty-five rupees.

Slaughterhouses, etc., beyond municipal limits.

141. It shall be lawful for the Municipal Council, with the sanction of the Deputy Commissioner, to establish slaughterhouses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Regulation and of bye-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Search for and inspection of unwholesome articles

142. (1) The President, Vice-President or any Councillor or Officer authorised by the Municipal Council in this behalf—

(a) may at all reasonable times enter into any place for the purpose of inspecting, and may inspect, any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in, or brought to, any place for the purpose of sale, or of preparation for sale, or may enter into and inspect any place used as a slaughterhouse, and may examine anything which may be therein; and

(b) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine, may seize the same.

Any article which is of a perishable nature may, under the orders of the President, Vice-President or Chairman of

the managing committee or of a committee appointed under section 29 to exercise all or any of the powers vested in the Municipal Council under this sub-chapter, *or of the Municipal Commissioner, if any, * if in his opinion it is diseased, unsound, unwholesome or unfit for food, drink and medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a Magistrate.

If it appear to the Magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the Magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine.

(2) In every municipality to which the Government may by notification have declared this sub-section to apply, whether as regards food or drink of all kinds or of any specified kind,

Adulterated
articles for
food or drink.

if any article to which this sub-section is applicable as aforesaid, is intended for food or drink, and is in any place mentioned in sub-section (1), the president, vice-president, or officer authorised as aforesaid, in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a Magistrate upon sufficient evidence that such article is not what it is represented to be, such Magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or use of food or drink, and the owner thereof or the person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.

EXPLANATION.—If such article having been exposed or stored in, or brought to any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed to be, for

the purposes of this sub-section, an article which is not what it is represented to be.

Protection to
persons acting
in good faith.

Provided that when any article of food or drink referred to in this sub-section appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate—

(a) that such substance has been added to the article of food or drink, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or of drink or conceal the inferior quality thereof, or

(b) that in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or

(c) that, by a label distinctly and legibly written or printed on or with the said article of food or drink or by other means of public description, he has given sufficient notice that such substance has been so added, or

(d) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

Application
for summons
to be refused
if not applied
for within
reasonable
time.

(3) In all prosecutions under this section the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

False weights
and measures.

143. The president, vice-president, or any councillor, or officer authorised by the Municipal Council in this behalf, may at all reasonable times enter into any place

used for the sale of articles used for human food or drink or for medicine, and inspect the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of dangerous diseases.*

144. (1) The Government may at any time confer by notification on any Municipal Council designated therein, all or any of the powers specified in sub-section (2), and such Municipal Council shall, subject to all such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe in such behalf, exercise within the municipality every power so conferred on them, for such period as may be specified in this behalf in any such notification, or if no period is so specified, then until such power is withdrawn.

Powers which may at any time be conferred.

(2) The powers, all or any of which may be conferred under the preceding sub-section are :—

(a) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the Municipal Council in that behalf;

(b) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place;

(c) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place,

which may appear to the Municipal Council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease ;

(d) power to direct or cause the removal, on a certificate signed by any duly qualified medical practitioner authorised by the Municipal Council in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment ;

(e) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the Municipal Council in the circumstances of the case consider reasonable, at the expense of the Municipal Council ;

(f) power to provide the means, and to prescribe places, for disinfecting or washing bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof ;

(g) power—

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease, and

(ii) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and

(iii) to direct that any conveyances that may at any time be used for conveying any such person shall be immediately disinfected ;

(h) power to prohibit—

(i) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharmasala, theatre, market or other place of public resort : or

(ii) any person in charge of any person so suffering from so exposing such sufferer ;

(i) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows, or has reason to believe, has been exposed to infection of any kind whatsoever from any dangerous disease;

(j) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the Municipal Council or of such officer as the Municipal Council appoint in this behalf;

(k) power, with the previous permission in each case of a Magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The Municipal Council may, in their discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the Municipal Council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the Municipal Council in exercise of any power conferred on such Municipal Council under this section, or obstructs any officer of the Municipal Council or other person acting under the authority of the Municipal Council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Penalties for disobedience to an order passed in exercise of such powers.

145. (1) In the event of the municipality or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease, the Municipal Council shall take all such measures as they deem necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak.

Duties of Municipal Council on threatened or actual outbreak of dangerous disease.

(2) In such event as aforesaid the Government may, by special notification, declaring that such municipality is

threatened or visited with an outbreak of a dangerous disease, confer on the Municipal Council all or any of the additional powers specified in the following sub-section, and such Municipal Council shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every such power so conferred on them until the same is withdrawn by means of a like notification.

(3) The powers, all or any of which may be conferred under the preceding sub-section, are—

(a) power to order, subject to the conditions,

(i) that the permission of a Magistrate exercising not less than second class powers shall be in each case first obtained, and

(ii) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling, or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily, therein;

(b) power to direct the examination by a medical officer of persons and, if necessary, the disinfection of the clothing, bedding or other suspicious articles belonging to persons, either arriving from places outside the municipality, or residing in any infected building or building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such time and places as may be prescribed, for a period not exceeding ten days;

(c) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the Civil Surgeon, or other senior medical officer of the district or other medical officer appointed by the Government in this behalf, such assemblages in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(4) The Municipal Council may, in their discretion, give compensation to any person who sustains substantial

loss by the destruction of any property under this section; but except as allowed by the Municipal Council no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

(5) If, in any municipality in which such declaration under sub-section (2) as aforesaid is for the time being in force, any person— Penal clauses.

(a) knowingly disobeys any order which for the time being is in force in such municipality and which has been passed by the Municipal Council in exercise of any power conferred on them under section 144 or under this section, or

(b) obstructs any officer of the Municipal Council or other person acting under the authority of the Municipal Council in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees.

146. (1) The Government may at any time

(a) withdraw any power conferred under section 144 or under section 145;

(b) cancel or modify any limitation, restriction or condition prescribed in respect of any such power; or

(c) cancel any order passed by a Municipal Council in exercise of any such power.

Withdrawal and modification of powers and orders.

(2) Every order passed by a Municipal Council in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipality.

147. If in any municipality any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the Municipal Council shall take all such measures as they deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Duties of Municipal Council in respect of diseases among horses, dogs, cattle, sheep or goats.

148. (1) Whenever the Municipal Council consider the interior of a building is so overcrowded as to be or to be likely to become, dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the Municipal Council may cause proceedings to be taken

Proceedings to abate the overcrowding of the interiors of buildings.

before a Magistrate of the first class for the purpose of obtaining in order to prevent such overcrowding.

Procedure of
Magistrate.

(2) Such Magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fill the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate continues.

Special
powers which
may be con-
ferred by
Government
in respect of
overcrowded
areas notified
by Govern-
ment.

149. (1) If the Government is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighbourhood of, any area by reason of any of the following defects, namely—

- (a) the manner in which either buildings, or blocks of buildings, already existing or projected therein, are, or are likely to become, crowded together, or
- (b) the impracticability of cleansing any such buildings, or blocks of buildings, already existing or projected, or

- (c) the want of drainage or scavenging, or the difficulty of arranging therein, for the drainage or scavenging of any such buildings or blocks or area as aforesaid; or
- (d) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings;

the Government may by notification confer on the Municipal Council, to which such area is subject, all or any of the powers specified in sub-section (2) and may, if it deem necessary, at any time make rules prescribing any limitations, restrictions, modifications, conditions or regulations, subject to which the Municipal Council shall exercise within that area all powers so conferred, unless and until those powers are withdrawn by a subsequent notification of Government.

(2) The powers all or any of which may be conferred on a Municipal Council under sub-section (1), are as follows :—

- (a) power, when any building or block, already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the Municipal Council likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed as the Municipal Council deem fit either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection, that the persons so addressed shall within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block, or execute such works or take such action in connection therewith as the Municipal Council deem necessary to prevent all such risk of disease ;
- (b) power by Municipal or other agency, to pull down or remove the said building or block, or to execute such works or take such action, if the persons addressed in the said notice neglect so to do within the time specified therein ;

- (c) power, subject to a right of appeal to the Deputy Commissioner, whose decision shall be conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space, and by general notice published in the manner provided in sub-section (3) of section 154, the erection of any building or of any building exceeding such dimensions as may be specified.
 - (i) on the site of any building which has, in whole or in part, in exercise of the power specified in clause (a), been pulled down, or
 - (ii) on any space not occupied by buildings whether such space is private property or not, and whether it is enclosed or not,
- if the Municipal Council consider that, in order to prevent such risk as aforesaid such site or space should not be built upon, and either
- (a) to acquire such site or space, or
 - (b) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof.

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 160, shall be paid to any person whose rights are affected by such prohibition.

(3) When in pursuance of any notice under sub-section (2), any building has been pulled down, the Municipal Council shall, unless it has been erected contrary to any provision of this Regulation or of any bye-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 160.

(4) In making any rules under sub-section (1) the Government may prescribe a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach, of any order made or conditions imposed by the Municipal

Council in exercise of the powers conferred upon them under this section or in pursuance of such rules.

150. (1) If the Municipal Council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health they may submit their opinion with the reasons therefor to Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

Closing
places for dis-
posal of the
dead.

(2) A copy of the said notification together with a translation thereof in Kanarese shall be published in the Official Gazette, and shall be posted up at the Municipal Office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) Nuisances from certain trades and occupations.

151. If it be shown to the satisfaction of the Municipal Council that any building or place used or intended by any person to be used

Regulation
of certain
trades.

- (a) for boiling or storing offal, blood, bones or rags;
- (b) for salting, curing and storing fish;
- (c) for storing hides, horns or skins;
- (d) for tanning;
- (e) for the manufacture of leather or leather goods;
- (f) for dyeing;
- (g) for melting tallow or sulphur;
- (h) for washing or drying wool or hair;
- (i) as a brick, pottery or lime-kiln;
- (j) for soap-making;
- (k) for oil-boiling;
- (l) as a manufactory of sago;
- (m) as a distillery;
- (n) for storing hay, straw, fodder, wood, coal or other combustible material;

* (nn) for storing grain for trade purposes;

*This additional clause was added by Regulation IV of 1926.

(c) as a manufactory or place of business of any other kind, from which offensive or unwholesome * smells, fumes or dust* arise, or which may involve risk or fire, is or is likely by reason of such use and of its situation to become, a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the Municipal Council may by written notice require the owner or occupier—

- (i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or
- (ii) to use it in such manner, or after such structural alterations, as the Municipal Council in such notice prescribe, so that it may not become or may be no longer, a nuisance or dangerous.

Factories in crowded localities.

151A. * (1) After the passing of this Regulation in a City Municipality or in any other municipality to which by a notification in the *Mysore Gazette* this section is made to apply by the Government no person shall establish in any premises, any factory, workshop or work place in which it is intended that steam, water, electrical or other mechanical power shall be employed, without the previous written permission of the Municipal Council.

(2) The Municipal Council may refuse to give such permission if they be of opinion that the establishment of such factory, workshop or work place in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any bye-laws framed in this behalf.

(3) Whoever establishes in any premises, any factory, workshop or workplace as aforesaid without or after the refusal of such permission, or in contravention of the terms of any bye-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees.

(*) These words were substituted for the original word "Smells" by Regulation IV of 1926.

* Added by Regulation IV of 1926.

151B. * (1) In any City Municipality or in any other Municipality to which by a notification in the *Mysore Gazette* this section is made applicable by the Government no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council.

Use of siren or whistle for summoning or dismissing workmen.

(2) The Municipal Council may grant such license subject to such conditions as they may deem fit and may at any time withdraw such license on giving one month's notice to the licensee.

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees.

152. (1) Whoever, after notice has been given under section 151, uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health, or property shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

Liability to penalty after notice.

(2) Upon a conviction being obtained under this section the Magistrate shall, on the application of the Municipal Council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps to prevent such place being used for any purpose mentioned in section 151.

(3) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in section 151 in any Municipality in which bye-laws are for the time being in force prescribing the conditions on and subject to which, the circumstances in which and the areas and localities in respect of which, licenses for such use may be granted,

Penalty for unlicensed places in a Municipality in which bye-laws under section 48 (b) (iii) are in force.

refused, suspended and withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Brothels.

153. In any Municipality to which, on the application of the Municipal Council, the Government may by notification have declared this section to apply, any Magistrate of the first class on receiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

Provided that action under this section shall be taken only—

(a) with the sanction or by the order of the District Magistrate, or

(b) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) Service of Notices and Penalties on non-compliance therewith.

Service of notices, etc., addressed to individuals.

154. (1) The service of every notice, and the presentation of every bill under this Regulation, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or registered servant or other person authorised by the Municipal Council in this behalf,

(a) by giving or tendering the notice or bill to the person to whom it is addressed; or

(b) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family; or

(c) if such person does not reside within the municipal limits, and his address elsewhere

is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address ; or

- (d) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

(2) When any notice or bill under this Regulation is required or permitted by or under this Regulation to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Regulation shall be effected either—

Service of notices, etc., on owners and occupiers of buildings and lands.

- (a) by giving or tendering the notice or bill to the owners or occupiers, or if there be more owners or occupiers than one, to any one of them ; or
- (b) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid ; or
- (c) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Every notice which this regulation requires or empowers a Municipal Council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the Municipal Council in by-laws in this behalf prescribe.

Public and general notices how to be published.

(4) No notice or bill shall be invalid for defect of form.

Defective form not to invalidate notice or bill.

Execution of
acts required
to be done by
any notice.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this regulation, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the Municipal Council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Municipal Council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 160.

Punishment
for disobe-
dience to
orders and
notices not
punishable
under any
other section.

155. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by a Municipal Council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the Municipal Council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this regulation, it shall rest with the Magistrate to determine whether the time so fixed was reasonable time within the meaning of this regulation.

Municipal
Council in
default of
owner or
occupier may
execute work
and recover
expenses.

156. (1) Whenever, under the provisions of this regulation, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the Municipal Council whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall unless otherwise expressly provided in this regulation, be paid to them by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as to the Municipal Council may seem fit.

Provided that

Agreement
for construc-
tion of drain-
age and water-
connections.

(a) Whenever any drainage scheme or water-works scheme has been commenced by any Municipal council, it shall be lawful for the Municipal Council, without

prejudice to their powers under sub-section (1) or section 101 or any other provision of this regulation, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the Municipal Council shall render, and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement, or in default, in the manner described in sub-sections (2) and (3).

Provided also that

(b) when an order has been passed under sub-section (3) of section 90, sub-section (1) of section 91, sub-section (2) or (3) of section 96 or under section 99, 101, 106 or 107, or when permission has been given under section 102, or when an agreement has been made under proviso (a) of this sub-section, the Municipal Council may, without prejudice to any other powers under this Regulation, if they think fit, declare any expenses incurred as aforesaid by the Municipal Council to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the Municipal Council decide, including interest at the rate of six per cent per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).

Improvement expenses.

(2) If the defaulter be the owner of the building or land, the Municipal Council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Power to levy charges on occupier, who may deduct the same from his rent.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Regulation on the owner thereof, than the

Occupiers not to be liable for more than the amount of rent due.

amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the Municipal Council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

157. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the Municipal Council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings if any occupier opposes the execution of the Regulation.

158. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Regulation, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Regulation, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day during which he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise

have become liable by reason of his default in executing such works.

159. It shall be lawful for the president or vice-president, or any councillor or officer authorised by the Municipal Council for such purposes, to enter for the purposes of this Regulation, between sunrise and sunset, into and upon any building or land, as well for the purpose of making any survey or inspection they may be entitled to make as for the purpose of executing any work authorised by this Regulation to be executed by them.

Entry for
purposes of
the Regula-
tion.

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof; without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

160. (1) If a dispute arises with respect to any compensation, damages, costs or expenses which are by this Regulation, directed to be paid, the amount, and if necessary the apportionment of the same, shall be ascertained and determined by a Panchayat of five persons of whom two shall be appointed by the Municipal Council, two by the party to receive compensation, and one, who shall be presiding member, shall be selected by the members already appointed as above.

Arbitration
in cases of
compen-
sation, etc.

(2) If either party, or both parties, fail to appoint members, or if the members fail to select a presiding member within one month from the date of either party receiving written notice from the other of claim to such compensation, damages, costs or expenses, such members as may be necessary to constitute the Panchayat shall be appointed, at the instance of either party, by the District Judge.

(3) In the event of the Panchayat not giving a decision within one month from the date of the selection of the presiding member, or of the appointment by the District Court of such members as may be necessary to constitute the Panchayat, the matter shall, on application by either party, be determined by the District Court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the Land Acquisition Regulation, 1894, for

proceedings in matters referred for the determination of the Court.

Provided that

(a) no application to the Deputy Commissioner for a reference shall be necessary, and

(b) the Courts shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

161. (1) The Municipal Council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund.

Municipal Council may prosecute.

Provided that no prosecution for an offence under this Regulation shall be instituted except within six months next after the commission of such offence.

(2) Any prosecution under this Regulation or under any by-laws thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to such Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Jurisdiction of Magistrate.

***161A.** A Municipal Council may—

(a) Compromise with any person who in the opinion of the Municipal Council has committed an offence punishable under this Regulation or any by-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence ;

Power to compound offences.

(b) Withdraw from prosecutions instituted under this Regulation or under any by-law made thereunder ;

(c) Compound any offence against this Regulation or against any by-law made thereunder which may by rules made by the Government be declared compoundable.

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

***161B.** No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the

Limitation for distraint, etc.

Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress
lawful though
defective in
form.

162. No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Damage to
municipal
property how
made good.

163. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the Municipal Council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

Alternative
procedure by
suit.

164. In lieu of proceeding by distress and sale, or in case of failure to realise by so proceeding the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages awarded under this Regulation, it shall be lawful for the Municipal Council to sue in any Court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any other way caused, or may appear likely to cause, any injury to any property, rights or privileges of the Municipal Council.

Power of
compromise.

165. (1) The Municipal Council may compound or compromise in respect of any suit instituted by or against them, or in respect of any claim or demand arising out of any contract entered into by them under this Regulation, for such sum of money or other compensation as they shall deem sufficient.

Provided that, if any sanction in the making of any contract is required by this Regulation, the like previous

sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The Municipal Council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in them, their officers, and servants under this Regulation.

166. For the purpose of the recovery of any amount due on account of rent from any person to a Municipal Council in respect of any land vested in such Municipal Council, the Municipal Council shall be deemed to be superior holders, and every such person an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the Municipal Council, as superior holders, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

Assistance for the recovery of rent on land.

167. No suit shall be commenced against any Municipal Council, or against any officer or servant of a Municipal Council, or any person acting under the orders of a Municipal Council, for anything done, or purporting to have been done, in pursuance of this Regulation, without giving to such Municipal Council, officer, servant or person one month's previous notice in writing of the intended suit and of the cause thereof, nor after six months from the date of the act complained of ;

Limitation of suits, etc.

and in the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

168. (1) Any Police officer may arrest any person committing in his view any offence against any of the provisions of this Regulation, or of any by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the Police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained :

Power of Police officers.

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be

necessary for bringing him before a Magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all Police officers to give immediate information to the Municipal Council of the commission of any offence against the provisions of this Regulation, or of any by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

MUNICIPAL ACCOUNTS.

169. (1) Every Municipal Council shall have prepared and laid before them, at their periodical general meetings, complete accounts of the receipts and expenditure of the Municipal Council, since the 1st day of July last preceding, and at a general meeting which shall, if possible, be held on such day between the 1st February and the 1st April as may be fixed in this behalf by the rules of the Municipal Council, a complete account of the actual and expected receipts and expenditure for the financial year ending on the 30th June next following, together with a budget estimate of the income and expenditure of the Municipal Council for the financial year to commence on the 1st July next following.

Presentation
of accounts.

(2) The Municipal Council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the 1st July next following. The budget as passed by the Municipal Council shall *except in the case of City Municipal Councils* be sent to the Deputy Commissioner, who shall submit the same to Government with his remarks, if any; *and in the case of City Municipal Councils, the budget shall be submitted direct to the Government* and it shall be competent to the Government to sanction the budget with such modifications, if any, as it deems fit. The budget so sanctioned may be varied or altered from time to time, as circumstances may render desirable, at a special general meeting called for the purpose, and subject to the sanction of Government obtained (a) in cases, if any, specified by it (a). No expenditure shall be incurred unless provided for in a budget so sanctioned or varied or altered.

Budget esti-
mates.

(3) The Municipal Council shall, at the general meeting in July, or after audit of the past year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past year.

[*.*] Added by Regulation V of 1918.

[a-a] These words were substituted for the original by Regulation V of 1918.

Audit of
accounts.

170. (1) The municipal accounts shall, from time to, time, and once in every year at the least, be audited by such agency as may be prescribed in the rules of the Municipal Council, or if the Government so direct, by a Government auditor.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the Municipal Council.

(3) The Municipal Council shall pay from the municipal fund such charges for the audit as may be agreed upon, or if the auditor is a Government auditor, then such charges as may be prescribed by the Government.

Transmission
of accounts to
Government.

171. The Municipal Council shall, as soon as the annual accounts have been finally passed by them, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in such form as the Government may prescribe, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

Publication of
accounts.

172. The quarterly and annual accounts of receipts and expenditure, and the budget when sanctioned, shall be open to public inspection, and shall be published in such manner as the Municipal Council may prescribe in this behalf.

CHAPTER XII.

CONTROL.

173. (1) The Deputy Commissioner shall have power—

Deputy Commissioner's powers of inspection and supervision.

(a) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any Municipal Council, or any work in progress under them or under their direction ;

(b) to call for any extract from the proceedings of any Municipal Council or of any committee, or for any book or document in the possession of or under the control of a Municipal Council, and any return, statement, account, or report which he may think fit to require such Municipal Council to furnish ;

(c) to require a Municipal Council to take into their consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Municipal Council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the Municipal Council, and to make a written reply to him within a reasonable time stating their reasons for not desisting from doing, or for not doing, such thing.

(2) All or any of the powers given to the Deputy Commissioner by this section may be delegated by him to the Assistant Commissioner in charge of a taluk in so far as concerns any Municipal Council other than a City Municipal Council in such taluk.

***173A.** The Deputy Commissioner shall have power

Deputy Commissioner's power of inspection of Town and Minor Municipal Councils.

(1) to inspect the office of any Town or Minor Municipal Council,

(2) to call for records of any Town or Minor Municipal Council and to submit the same with his opinion to Government for such orders as they may deem fit to pass, if he is satisfied that the order or proceeding of the Council or its executive is contrary to law.

174. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a Municipal Council, or the doing of anything which is about to be done or is being done by or on behalf of a Municipal

Deputy Commissioner's power to suspend executive orders of Municipal Council.

* Added by Regulation IV of 1926.

Council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government and to the Municipal Council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in cases of emergency.

175. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a Municipal Council are empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the Municipal Council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the Municipal Council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 174 shall apply, so far as may be, to any order made under this section.

Government may frame rules as to the preparation, etc., of plans and estimates for works.

***175A.** The Government may from time to time make rules not inconsistent with this Regulation as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the Municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned.

Special provision in regard to works executed by Government.

176. (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time—

(a) to construct any work or works of a permanent nature which, in the opinion of Government, is or are

* Added by Regulation IX of 1911,

necessary or desirable for the health, safety or convenience of the inhabitants, whether within any municipality or without it wholly or in part;

(b) to retain the management and maintenance of any such work or to entrust the same, in whole or in part to the Municipal Council, or to resume the same from the Municipal Council;

(c) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation;

(d) to prescribe, by notification in the Official Gazette, rules having the force of law, for the proper management and maintenance of any such work and for the regulation of all matters and things connected therewith, and to affix a penalty not exceeding five hundred rupees for the infringement of any such rules.

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the Municipal Council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by Government to be paid by the Municipal Council under clause (c) of the preceding subsection.

(3) The provisions of this section shall be deemed to apply with retrospective effect in respect of the works heretofore carried out at the expense of Government for the water-supply of the cities of Bangalore and Mysore.

177. (1) If in the opinion of the Government the number of persons who are employed by a Municipal Council as officers or servants or whom a Municipal Council propose to employ, or the remuneration assigned by the Municipal Council to those persons, or to any particular person, is excessive, the Municipal Council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

Power of Government to prevent extravagance in the employment of establishment.

(2) It shall be lawful for the Government—

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a Chief Officer, or of a Health Officer, or of an Engineer, or any one or more of such appointments, to be made by any City Municipal Council;

Government may require any City Municipal Council to appoint a Chief Officer, a Health Officer, or an Engineer,

- (ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such Municipal Council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the Municipal Council;
- (iii) to require that any person appointed to be a Chief Officer* or a Municipal Commissioner* shall be invested by any such Municipal Council with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by Section 133* or by Chapter XIII-A, as the case may be;*
- (iv) to require that all or any of the powers referred to in section 144 or in section 145 (if the conditions under which that section comes into operation exist), shall be delegated by any such Municipal Council, whether there be a Chief Officer or not, to the President, Vice-President or any such Councillor as the Government may deem fit.

(3) Any requisition issued to the Municipal Council under clause (i), (iii) or (iv) of sub-section (2) above shall be complied with within such time as the Government may in each case, prescribe in that behalf.

Power of Government to provide for performance of duties, in default of Municipal Council.

178. (1) When the Government is informed, on complaint made or otherwise, that a Municipal Council have made default in performing any duty imposed on them by or under this Regulation, or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry that the Municipal Council have been guilty of the alleged default, may fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to

[* *] Added by Regulation IV of 1926.

perform it, shall be forthwith paid by the Municipal Council.

(3) If the expense and remuneration are not so paid the Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the Municipal Council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

179. (1) If in the opinion of the Government, any Municipal Council are not competent to perform, or persistently make default in the performance of, the duties imposed on them by or under this Regulation, or otherwise by law, or exceed or abuse their powers, the Government may, by an order published, with the reasons for making it in the Official Gazette, declare the Municipal Council to be incompetent or in default, or to have exceeded or abused their powers, as the case may be, and supersede them for a period to be specified in the order.

Power of Government to supersede Municipal Council in case of incompetency, default, or abuse of powers.

(2) When the Municipal Council are so superseded, the following consequences shall ensue:—

Consequences of exercise of such power.

(a) all Councillors of the Municipal Council shall, as from the date of the order, vacate their offices as such councillors;

(b) all powers and duties of the Municipal Council shall, during the period of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf;

(c) all property vested in the Municipal Council shall, during the period of supersession, vest in the Government.

(3) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the Municipal Council.

Power after enquiry to continue period of supersession.

(4) The Municipal Council shall be re-established by the election or appointment of new Councillors under the provisions of this Regulation applicable thereto—

(a) if no direction has been made under sub-section (3), then on the expiration of the period specified in the order of supersession under sub-section (1), and

(b) if a direction has been made under sub-section (3), then on such date as is fixed under that sub-section for the re-establishment of the Municipal Council.

Powers of
Government
and of the
Deputy Com-
missioners
over subordi-
nates.

180. In all matters connected with this Regulation, the Government and each Deputy Commissioner shall, respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Restrictions
on the powers
of the Deputy
Commissioner

[a] 180A. The Deputy Commissioner shall not exercise the powers conferred on him under sections 173, 174 and 175 in regard to City Municipal Councils,* or other Municipal Councils, specially exempted* except under the special orders of Government. [a]

[a-a] Added by Regulation V of 1918 as amended by Regulation IV of 1926.

[*-] Added by Regulation IV of 1926.

CHAPTER XIII.

SPECIAL PROVISIONS FOR CITY MUNICIPAL COUNCILS.

181. (1) The Government may, at any time, in respect of any municipality which contains a population of not less than eight thousand inhabitants, declare, by notification, the Municipal Council thereof, which shall be specified in the notification, to be a City Municipal Council.

Constitution of City Municipal Councils.

(2) The Government may, in respect of any Municipal Council so declared, or in respect of either of the Municipal Councils of Bangalore and Mysore Cities, direct by notification, specifying such Municipal Council, that from such date as shall be fixed by the notification containing such direction, the Municipal Council specified shall cease to be a City Municipal Council, and such Municipal Council shall, on the date fixed, cease to be a City Municipal Council accordingly.

182. (1) Any City Municipal Council may, with the sanction of Government, appoint a Chief Officer and a Health Officer and an Engineer, or any one or more of such officers, or appoint one person, whether temporarily or permanently, to discharge the duties of any two or of all of such offices.

City Municipal Council may appoint a Chief Officer, a Health Officer and Engineer.

(2) No such officer shall, save with the previous sanction of the Government, be removable from office unless by the votes of at least three-fourths of the whole number of councillors.

(3) When a Chief Officer shall have been appointed, all other officers and servants employed by the Municipal Council, save such as are excepted by order of Government from time to time, shall be subordinate to him.

183. The Chief Officer of a City Municipal Council shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the Municipal Council under the provisions of this Regulation—

Powers of Chief Officer.

(a) he shall have power, subject to the provisions of this Regulation and of the bye-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a Municipal Council under this Regulation, other than licenses for markets or slaughterhouses ;

(b) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any license,

in any case in which he is empowered as aforesaid to grant or give a license, and in which the Municipal Council may under the provisions aforesaid suspend, withhold or withdraw such license ;

(c) he shall receive and recover and credit to the Municipal Fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid ; and

(d) he may make such requisitions, by written notice, give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a Municipal Council under any provisions contained in—

- (i) sub-section (2) of section 91,
- (ii) sub-section (2), sub-section (3) or clause (a) of sub-section (5) of section 96,
- (iii) section 102,
- (iv) sub-section (1) of section 110,
- (v) section 111,
- (vi) section 114,
- (vii) section 115,
- (viii) section 118,
- (ix) section 119,
- (x) section 121,
- (xi) section 122,
- (xii) section 123,
- (xiii) section 124,
- (xiv) section 125,
- (xv) section 126,
- (xvi) section 127,
- (xvii) section 128,
- (xviii) section 130,
- (xix) sub-section (1) of section 131,
- (xx) section 132,
- (xxi) section 134,
- (xxii) section 142,
- (xxiii) section 143,
- (xxiv) clause (b) of sub-section (2) of section 144.

Chief Officer's
powers of ap-
pointment
and punish-
ment.

184. The Chief Officer shall have, independently of such powers as may be delegated to him by the Municipal Council in this behalf, power—

(a) to appoint—

- (i) without the previous sanction of the Municipal Council, to any post the monthly

salary for which as fixed by rules made under clause (b) of section 46 does not exceed Rs. 15, and

- (ii) with such previous sanction, in each case, to any post under the Municipal Council other than that of the Health Officer, Engineer or Chief Accountant; and

(b) to fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed Rs. 15, and, subject to the provisions of the rules for the time being in force, any other municipal officer or servant not being the Health Officer, Engineer, or Chief Accountant, provided that his order in respect of any punishment shall be subject to an appeal to the Municipal Council.

185. The Chief Officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the Municipal Council or of any committee, make an explanation, in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

Chief Officer
may make
explanations
at meetings

***186.** All or any of the provisions of this Chapter applicable to a City Municipal Council may be applied to any other Municipal Council by Government Notification published in the Official Gazette.

Power to
extend provi-
sions of the
chapter to
other Muni-
cipal Councils.

* This new section was added by Regulation V of 1918.

*CHAPTER XIII A.

MUNICIPAL COMMISSIONER, HIS POWERS
AND DUTIES.Appointment
of Municipal
Commis-
sioner.

186A. (1) Notwithstanding anything contained in Chapter XIII, the Government may appoint a Municipal Commissioner for any City Municipality.

(2) On the appointment of a Municipal Commissioner, the appointment of Chief Officer whether made under section 177 or section 182, shall forthwith terminate, provided that the appointment of a Municipal Commissioner shall not be made until such notice has been given to the Chief Officer, if any, as the term of his appointment entitles him to receive and until the expiry of the period specified in such notice.

(3) The Government may, at any time discontinue the appointment of a Municipal Commissioner for any Municipality for which such appointment has been made.

Removal from
Office.

186B. (1) A Municipal Commissioner shall hold office for a period of three years, in the first instance, and thereafter for such further period not exceeding three years, at a time as the Government may in each case determine.

(2) A Municipal Commissioner may be removed from office at any time by the Government if it shall appear to the Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

(3) The Government shall remove the Commissioner from office, if at a special meeting of the Municipal Council called for the purpose, not less than two-thirds of the whole number of Councillors vote for such removal.

Salary of
Municipal
Commissioner

186C. (1) A Municipal Commissioner shall receive such monthly salary payable wholly by the Municipal Council or partly by the Municipal Council and partly by Government, as the Government may from time to time, determine with due regard to the resources of the Municipality.

(2) A Municipal Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Regulation or in any other enactment for the time being in force, and shall not engage in any other profession, trade or business whatever.

Prohibition of engagement in other business.

Provided that the Government may assign to him any other work of local importance or interest, if in their opinion he can perform such additional work without prejudice to his duties as Municipal Commissioner.

186D. (1) The Government may, from time to time, in consultation with the Municipal Council, grant leave of absence for such period as it thinks fit to a Municipal Commissioner.

Leave of absence.

(2) The allowance to be paid to a Municipal Commissioner while absent on leave, shall be of such amount, not exceeding his salary, as shall be fixed by the Government.

Leave allowance.

Provided that, if the Municipal Commissioner is a salaried servant of Government, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of Government of his class.

(3) During any absence on leave, or other temporary vacancy in the office of a Municipal Commissioner, the Government may appoint a fit person to act as Municipal Commissioner. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by or under this Regulation or by any other enactment for the time being in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

Appointment of substitute.

186E. (1) When a salaried servant of Government is appointed to be a Municipal Commissioner, the Municipal Council shall, unless specifically exempted wholly or in part from liability by the Government, contribute to his pension and leave allowances to the extent required by proviso (b) to Section 46.

Contribution from Municipal Council towards pensions and leave allowances of Municipal Commissioners.

(2) When a person other than a salaried servant of Government is appointed to be a Municipal Commissioner the Municipal Council shall pay from Municipal Fund the whole of his leave allowances fixed, as hereinbefore provided, by the Government, and may, with the sanction of Government, grant him a pension or gratuity on

retirement, or grant a compassionate allowance to his family on his death.

Power of
Municipal
Council to
require re-
turns, reports
or production
of documents.

186 F. (1) Municipal Council may require the Municipal Commissioner to furnish them with—

(a) any return, statement, estimate, statistics, or other information regarding any matter appertaining to the administration of this Regulation or to the Municipal Government of the Municipality;

(b) a report on any such matter; and

(c) a copy of any document in his charge.

Provided that in emergent cases which do not admit of delay till a meeting of the Municipal Council is called, the President may call for information, return, statistics, estimates, etc., referred to above.

(2) The Municipal Commissioner shall comply with every such requisition without unreasonable delay.

Powers of
Municipal
Commission-
ers and limi-
tations there-
on.

186 G. A Municipal Commissioner shall exercise the powers hereinafter specified, and such other executive powers as may be delegated to him by the Municipal Council under the provisions of this Regulation:—

(1) he shall exercise all the powers specifically conferred on the Chief Officer in a City Municipality by the provisions of this Regulation; and

(2) he may make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a Municipal Council under any of the provisions contained in the following sections or sub-sections, namely:—

Sections 63, 64, 65, 66, 67, 69, 71, 76, 78, 79 sub-sections (3), (4) and (5), 80, 82, 83, 84, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 103, 105, 106, 107, 108, 109, 110 sub-section (2), 112 sub-section (1), 113, 116, 120, 135, 136, 139 sub-section (4), 144, 145, 147, 148, 151, 152, 154, 155, 156, 157, 159 and 161.

Provided as follows:—

(a) The powers conferred on the Municipal Council by or under the provisions contained in section 71, section 90, section 91, section 93, sub-section (1) of section 106, section 113, sub-section (1) of section 116, and, in the case of a well, Section 135, shall not be exercised by the Municipal Commissioner except subject to the

general or special orders of the Municipal Council or, in the absence of such orders, with the previous approval of the Municipal Council ;

(b) The powers conferred on the Municipal Council by or under any of the provisions of this Regulation (i) to make rules or bye-laws, and (ii) to authorise the President or the Vice-President, or a Committee or a Councillor to do anything, shall not be exercised by the Municipal Commissioner ;

(c) Property, whether movable or immovable, vested in or belonging to or otherwise held by the Municipal Council, shall not be deemed to vest in or belong to or otherwise to be held by the Municipal Commissioner ;

(d) The power conferred by Section 161 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections shall not be exercised by the Municipal Commissioner except with the previous approval of the Municipal Council ;

Section 44, section 45, sub-section (4) of section 91, section 138 and sub-section (4) of section 149.

186H. When a Municipal Council empowered by any of the provisions of this Regulation or by any bye-laws made hereunder to authorise an officer to exercise any power whatever or to do anything, have so authorised any officer, they shall be deemed so to have authorised the Municipal Commissioner notwithstanding that they have not expressly so authorised him.

Municipal Commissioner deemed to be authorised in certain matters although not expressly so authorised.

186I. Whoever disobeys or fails to comply with a lawful direction given by the Municipal Commissioner in any matter shall be punishable in the same manner as a person who disobeys or fails to comply with a lawful direction given by the Municipal Council in the same matter.

Punishment for person disobeying lawful direction given by Municipal Commissioner

186J. (1) A Municipal Commissioner shall have, independently of such powers as may be delegated to him by the Municipal Council in this behalf, power without the sanction of the Municipal Council—

Powers of Municipal Commissioner to appoint, grant leave, punish and dismiss.

(a) to appoint, subject to the general rules of recruitment that the Government may make from time to time and subject to the rules for the time being in force under sub-clause (ii) of clause (b) of section 46, a fit person to any post under the Municipal Council, the monthly salary for which does not exceed rupees

one hundred, other than to the post of Health Officer, Engineer, Chief Accountant, Manager or Auditor ;

(b) to grant, subject to the rules for the time being in force under clause (f) of section 46, leave of absence to the holder of any post to which the Municipal Commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence ;

(c) to fine, reduce, suspend or dismiss the holder of any post to which the Municipal Commissioner has power to appoint.

Provided that no holder of a post the monthly salary for which exceeds rupees fifty, shall be dismissed by the Municipal Commissioner without the approval of the Municipal Council.

(2) When a Municipal Commissioner has been appointed under the provisions of this Regulation, all other officers and servants employed by the Municipal Council shall be subordinate to him.

Municipal Commissioner not to exercise powers of Municipal Council over masters and teachers.

186K. Notwithstanding anything contained in section 24, in section 184, and in section 186J, the powers conferred on the Municipal Council or on a Committee appointed under section 28 by or under any of the provisions of this Regulation to appoint, grant leave of absence, to punish or dismiss any master, teacher or other person employed in a primary or other school vested in or maintained by the Municipal Council or employed in any educational institutions aided by the Municipal Council shall not be exercised by the Municipal Commissioner.

Order not subject to appeal except in certain cases.

186L. No appeal shall lie to the Municipal Council in respect of any order passed or anything done by a Municipal Commissioner in the exercise of powers conferred upon him by or under the provisions of this Regulation except in the case of an order passed or anything done by him under any of the following sub-sections, namely :—

(i) Sub-section (3) of section 65, (ii) sub-sections (1) and (2) of section 92, (iii) sub-section (1) of section 98, (iv) sub-section (1) of section 103, (v) sub-section (2) of section 131, (vi) sub-section (1) of section 151, (vii) clause (b) of sub-section (1) of section 156 and (viii) sub-section (c) of section 186J, in respect of an order of dismissal.

Delegation of powers of Municipal Commissioner.

186M. (1) With the sanction of the Municipal Council, the Municipal Commissioner may, by general or special order in writing, delegate to any Municipal Officer

or servant any of the Municipal Commissioner's powers, duties or functions under this Regulation or under any rule or bye-law made hereunder except such as are conferred or imposed upon or vested in him under the following sections, namely, 151, 161 and 186 J.

(2) The exercise or discharge by any Municipal Officer or servant of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order and also to the control and revision by the Municipal Commissioner.

186 N. In any Municipal Council for which a Municipal Commissioner has been appointed, notwithstanding anything contained in section 40, the following provisions with respect to the making of contracts under or for any purposes of this Regulation shall have effect, namely :—

Power to execute contracts on behalf of Municipal Council.

(a) every such contract shall be made on behalf of the Municipal Council, by the Municipal Commissioner ;

(b) no such contract for any purpose which the Municipal Commissioner is not empowered by this Regulation to carry out without the approval or sanction of some other Municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given ;

(c) no contract for the purchase, sale, lease, mortgage or other transfer of immovable property, shall be entered into by the Municipal Commissioner except with the approval or sanction of the Municipal Council ;

(d) no contract which will involve an expenditure exceeding five hundred rupees shall be made by the Municipal Commissioner except with the approval or sanction of the Municipal Council ;

(e) every contract made by the Municipal Commissioner involving an expenditure exceeding two hundred and fifty rupees and not exceeding five hundred rupees shall be reported by him within fifteen days after the same has been made, to the Municipal Council ;

(f) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract.

186 O. (1) Notwithstanding anything contained in sub-sections (6) and (7) of section 40, every contract entered into by a Municipal Commissioner on behalf of a Municipal Council shall be entered into in such manner and form as would bind such Municipal Commissioner if

Mode of executing contracts.

such contract were on his own behalf, and may in like manner and form be varied or discharged.

Provided that—

(a) Where any such contract, if entered into by a Municipal Commissioner, would require to be under seal, the same shall be sealed with the common seal of the Municipal Council.

(b) Every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the Municipal Council and shall specify the work to be done or the materials or goods to be supplied as the case may be, the price to be paid for such work, materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(2) The common seal of the Municipal Council shall not be affixed to any contract or other instrument, except in the presence of two members of the Managing Committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

(3) No contract not executed in the manner provided in this section shall be binding on the Municipal Council.

186P. (1) Except as is otherwise provided in subsection (3), a Municipal Commissioner shall at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees, give notice by advertising in the local newspapers, inviting tenders for such contract.

(2) A Municipal Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (d) of Section 186N, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(3) The Municipal Council may authorise the Municipal Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting

Tenders to be invited for contracts involving expenditure exceeding Rs. 500

tenders as herein provided or without accepting any tender which he may receive after having invited them.

186Q. A Municipal Commissioner shall require security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under the Regulation.

Security
when to be
taken for per-
formance of
contract.

*CHAPTER XIV.

MINOR MUNICIPAL COUNCIL.

Power to except a minor Municipal Council from provisions of Regulation unsuited thereto.

187. (1) If the circumstances of any Municipal Council existing or proposed to be constituted are such that in the opinion of the Government any of the provisions of this Regulation are unsuited thereto, the Government may, by notification in the Official Gazette declare, such Municipal Council a minor Municipal Council and except it from the operations of those provisions and thereupon the said provisions shall not apply to the Municipal Council until applied thereto by notification.

(2) The Government may in respect of any minor Municipal Council so declared, direct by a notification in the Official Gazette that from such date as shall be fixed therein the Municipal Council shall cease to be a minor Municipal council and such Municipal Council shall, on the date fixed, cease to be a minor Municipal Council.

(3) While the exception under sub-section (1) remains in force, Government may make rules for the guidance of the council and public officers in respect of the matters excepted from the operation of the said provisions.

⁴ This new Chapter was added by Regulation V of 1918.

SCHEDULE I.

(See section 59, clause ii.)

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION
WITH THE RATES OF TAXATION.

| | Yearly. | | |
|---|---------|----|----|
| | Rs. | a. | p. |
| For every four-wheeled vehicle with springs constructed to be drawn by two or more horses ... | 20 | 0 | 0 |
| For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks ... | 10 | 0 | 0 |
| For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks ... | 6 | 0 | 0 |
| (a) For every motor car ... | 30 | 0 | 0 |
| (a) For every motor cycle ... | 15 | 0 | 0 |
| For every other vehicle with springs and every palanquin, bicycle or tricycle ... | 6 | 0 | 0 |
| For every cart or other vehicle without springs ... | 4 | 0 | 0 |
| For every boat ... | 4 | 0 | 0 |
| For every elephant ... | 24 | 0 | 0 |
| For every camel ... | 12 | 0 | 0 |
| For every horse over thirteen hands ... | 10 | 0 | 0 |
| For every horse of or under thirteen hands ... | 4 | 0 | 0 |
| For every horse of or eleven hands and for every mule ... | 2 | 0 | 0 |
| For every bullock or bull ... | 1 | 0 | 0 |
| For every male buffalo ... | 1 | 0 | 0 |
| For every ass ... | 0 | 8 | 0 |

SCHEDULE II.

(See section 59, clause iii.)

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE
MUNICIPAL LIMITS.

| | Rs. | a. | p. |
|---|-----|----|----|
| *On every motor bus ... | 2 | 0 | 0 |
| *On every motor car ... | 1 | 0 | 0 |
| *On every motor cycle ... | 0 | 8 | 0 |
| On every four-wheeled vehicle with springs ... | 0 | 8 | 0 |
| On every jatka, hackery or cart laden ... | 0 | 4 | 0 |
| On every jatka, hackery or cart not laden ... | 0 | 2 | 0 |
| On every other vehicle with springs, and every palanquin, bicycle or tricycle ... | 0 | 4 | 0 |

(a) Inserted by Regulation IX of 1911.

*Inserted by Regulation IV of 1926.

Rs. a. p.

| | | | | | | |
|--|-----|-----|-----|---|---|---|
| On every buffalo, bull, bullock, cow or ass, laden or ridden, and on every horse under thirteen hands and every mule | ... | ... | .. | 0 | 1 | 0 |
| On every horse not under thirteen hands | ... | ... | ... | 0 | 2 | 0 |
| On every elephant | ... | ... | ... | 1 | 0 | 0 |
| On every camel | ... | ... | ... | 0 | 4 | 0 |

Explanation—1. "Laden." An animal is not said to be laden when it is merely accoutred for the purpose of being laden or ridden.

Explanation—2. Tolls are leviable upon vehicles at the above rates irrespective of the means of traction employed, and the payment of a toll in respect of any vehicle covers the animal engaged in drawing it.

* SCHEDULE III.

(Section 59, Clause x.)

TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

CLASS I.

| | Yearly |
|--|--------|
| Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to Rs. 2,000 a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to Rs. 2,000 a month or upwards:— | |
| (i) Carrying on business as a Company; | |
| (ii) Abkari Renters, Wholesale and Retail Traders, and Manufacturers, of every kind, Contractors, Ship-owners, Boatowners, Auctioneers, and Commission Agents; | |
| (iii) Bankers, Money-lenders, Money-changers and Pawn-brokers; | |
| (iv) Editors and Proprietors of Newspapers; | |
| (v) Dubashes, Under-writers, Brokers and Dealers in Securities, Shares or Bills of Exchange; | |
| (vi) Practising Barristers, Advocates, High Court Vakils, Solicitors, Attorneys, Pleaders, and Law Agents; | Rs. |
| (vii) Practising Medical Practitioners of all kinds including Hakims and Vaidiyans; | 100 |
| (viii) Dentists and Veterinary Surgeons; | |
| (ix) Architects and Civil Engineers; | |
| (x) Owners and Farmers of Markets and Tollfarmers; | |
| (xi) Keepers of Hotels, Lodging-Houses, Boarding Houses or Billiard-Saloons; | |
| (xii) Builders and Surveyors; | |

*Substituted for the Original by Regulation V of 1918.

- (xiii) Owners of Mills, Warehouses, Printing Presses, Oil-Presses, Cotton Presses and other Presses and factories of all kinds;
- (xiv) Professional Artists, Photographers, Actors, Owners or Managers of Circuses or Theatrical Companies Musicians and Dancers;
- (xv) Dealers in animals or vehicles, and Owners or keepers of livery stables or hackney carriages;
- (xvi) Artizans.

CLASS II.

Yearly

| Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to | Rs. |
|---|-----|
| Rs. 1,500 a month or upwards | 75 |

CLASS III.

| Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to | |
|---|----|
| Rs. 1,000 a month or upwards | 50 |

CLASS IV.

| Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to | |
|---|----|
| Rs. 500 a month or upwards | 25 |

CLASS V.

| Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to | |
|---|----|
| Rs. 300 a month or upwards | 12 |

CLASS VI.

| Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to | |
|---|---|
| Rs. 200 a month or upwards | 8 |

CLASS VII.

| Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to | |
|---|---|
| Rs. 100 a month or upwards | 4 |

CLASS VIII.

| Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to | |
|---|---|
| Rs. 50 a month or upwards | 2 |

CLASS IX.

| Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to | |
|--|---|
| Rs. 30 a month or upwards | 1 |

NOTE—The foregoing classification is subject to the following provisions, namely :—

PROVISO 1.—No owner of a Cotton Press shall be placed in any class below Class IV.

PROVISO 2.—No wholesale Trader, Ship-owner, Banker, Dubash, Barrister, Advocate, High Court Vakil, Solicitor, Attorney, Architect, Civil Engineer, Mill-owner or Factory owner shall be placed in any class below Class V.

PROVISO 3.—No Abkari Renter (other than a mere liquor shop keeper), Editor or Proprietor of a Newspaper, Under-writer, Broker or other Dealer in Securities, Shares or Bills of Exchange, and no First Grade Pleader, Medical Practitioner (other than a Hakim or Vaidiyan), Dentist or Veterinary Surgeon shall be placed in any class below Class VI.

PROVISO 4.—No Boat-owner, Auctioneer, Money-lender, Second Grade Pleader, Vakil, Law Agent, Owner or Farmer of a Market Toll-farmer, Keeper of a hotel, lodging-house boarding-house or billiard-saloon, and no Builder, Surveyor or Owner of a Warehouse or Press (other than a Cotton Press or Oil Press) shall be placed in any class below Class VII.

[a] (SCHEDULE III (A.)

SEE SECTION 59 CLAUSE xi.)

| Items | | Sort | | | | | |
|---|-----------------------------|------|-----|-----|-----|-----|-----|
| | | 1st | 2nd | 3rd | 4th | 5th | 6th |
| | | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| 1. Shops. (for each shop per year) | In City Municipalities ... | 50 | 40 | 30 | 20 | 10 | 5 |
| | In other Municipalities ... | 30 | 25 | 20 | 10 | 4 | 2 |
| 2. Other places where business or profession is carried on for purposes of profit. (For each place per year) | In City Municipalities ... | 50 | 40 | 30 | 20 | 10 | 5 |
| | In other Municipalities .. | 30 | 25 | 20 | 10 | 4 | 2 |

[a—a] Schedule IIIA was added by Regulation IV of 1936.

SCHEDULE IV.

(See clause (b) of section 60.)

Notice is hereby given to the inhabitants of the Municipality of.....that the Municipal Council desire to impose the tax, rate, toll, octroi or cess (*as the case may be*) defined in the Rules appended, [in lieu of the tax known as the.....which is published at page..... of the sanctioned Rules*]

Any inhabitant of the Municipality objecting to the proposed tax may, within one month from the date of this notice, send his objections in writing to the Municipal Council.

RULES.

[*The Rules prepared by the Municipal Council under clause (a) of section 60 are to be appended here.*]

[b] SCHEDULE IV A.

(SECTION 68B.)

Form of notice of transfer to be given when the transfer has been effected by instrument.

I, To the President of the Municipal Council.

I, A. B., hereby give notice, as required by Section 68A of the Mysore Municipal Regulation, VII of 1906, as amended by Regulation VIII of 1914, of the following transfer of property:—

| Date of notice | Date of instrument | Name of vendor or assignor | Name of purchaser or assignee | Amount of consideration | Description of the property | | | | If instrument has been registered, the date of registration | Remarks |
|----------------|--------------------|----------------------------|-------------------------------|-------------------------|-----------------------------|-----------|---------------------------|--------------------|---|---------|
| | | | | | Of what it consists | Situation | Number in assessment list | Dimensions of land | Boundaries | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
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| | | | | | | | | | | |
| | | | | | | | | | | |

(Sd.) A. B.

[b] SCHEDULE IVB.

SECTION 68B.

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the President of the Municipal Council.

I, A. B., hereby give notice, as required by Section 68A of the Mysore Municipal Regulation, VII of 1906, as amended by Regulation VIII of 1914, of the following transfer of property :—

| Date of notice | In whose name the property is at present entered in the Municipal registers | To whose name it is to be transferred | Description of property | | | | | Remarks |
|----------------|---|---------------------------------------|-------------------------|-----------|---------------------------|--------------------|------------|---------|
| | | | Of what it consists | Situation | Number in assessment list | Dimensions of land | Boundaries | |
| | | | | | | | | |

(Sd.) A. B.

SCHEDULE V.

(See sub-section (3) of section 82.)

FORM OF NOTICE OF DEMAND.

To

A. B., residing at.....

Take notice that the Municipal Council of.....
demand from.....the sum of.....
.....due from.....

.....on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under Rule No.....for the period of.....commencing on the day of.....19.....and ending on the day of.....19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the Municipal Office at.....or sufficient cause for non-payment is not shown to the satisfaction of the Municipal Council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19

(Signed)

By order of the Municipal Council of

SCHEDULE VI.

(See sub-section (1) of section 83).

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas *A. B.* of.....has not paid, and has not shown satisfactory cause for the non-payment of, the sum ofdue for the tax*.....mentioned in the margin for the period commencing on the day of 19 and ending with the day of 19 and leviable under Rule No. ,

And whereas fifteen days have elapsed since the service on him of Notice of demand for the same ;

This is to command you to distrain, subject to the provisions of section 83 of the Mysore Municipal Regulation, 1906 , the goods and chattles of the said *A. B.* to the amount of , being the amount due from him, as follows:—

| | Rs. | a. | p. |
|--------------------------------|-----|----|----|
| On account of the said tax ... | ... | | |
| For service of notice ... | ... | | |

and forthwith to certify to me together with this warrant all particulars of the goods seized by you thereunder.

Dated this.....day of.....19

(Signed)

President (or as the case may be), see section 83. (2)

SCHEDULE VII.

(See clause (c) of sub-section (4) of section 83.)

FORM OF INVENTORY AND NOTICE.

To

A. B., residing at.....

Take notice that I have this day seized the goods and chattles specified in the inventory beneath this, for the value of.....

*Here describe the tax.
due for the tax*.....mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19 , together with Rs.

due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the Municipal Office at.....the said amount together with the costs of recovery, the said goods and chattels will be sold.

Dated this day of 19 .

(Signature of officer executing the warrant.)

INVENTORY.

(Here state particulars of goods and chattels seized.)

REGULATION No. II OF 1907.

*(Passed on the nineteenth day of November 1907.)***A Regulation further to amend the Mysore Military Regulation, II of 1899.**

Whereas it is expedient further to amend the Mysore Military Regulation, 1899; His Highness the Maharaja is pleased to enact as follows:—

1. For the figure “(47)” appearing at the end of paragraph 2 of the Mysore Military Regulation, 1899, substitute the figure and letter 2 A.”

Preamble.

Amendment of paragraph 2 of Regulation, II of 1899.

2. The following paragraphs shall be added to the Mysore Military Regulation, 1899:—

Addition of paragraphs 94 and 95.

“94. When a Criminal Court and a Military authority have each jurisdiction in respect of an offence, it shall be in the discretion of the Government to decide before which of them the proceedings shall be instituted, and if the Government decides that they shall be instituted before a Military authority, to direct that the accused person shall be detained in Military custody.”

Jurisdiction over certain offences.

“95. (1) When a Criminal Court having jurisdiction is of opinion that proceedings ought to be instituted before itself in respect of any alleged offence, it may, by written notice, require the officer to whose command the accused person is subject, at his option either to deliver over the accused person to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings pending a reference to the Government.

Power of Criminal Court to require delivery of accused person.

(2) In every such case the said officer shall either deliver over the accused person in compliance with the requisition or shall forthwith refer the question as to the Court or authority before which the proceedings are to be instituted for the determination of the Government, in the meantime postponing all proceedings against the accused person.

The order of the Government upon such reference shall be final.”

—

REGULATION No. I OF 1908.

*(Received the assent of His Highness the Maharaja
on the 19th May 1908.)*

**A Regulation to amend the Mysore Court
Fees Regulation, III of 1900.**



WHEREAS it is expedient to amend the Mysore Court Fees Regulation, III of 1900; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. In section 4, sub-head xi, of the said Regulation,
(1) after clause (c), the following clause shall be
inserted, namely,—

Addition to
section 4, sub-
head XI.

“(cc) for the recovery of immovable property
from a tenant, including a tenant holding
over after the determination of a tenancy;”
and

- (2) for the word ‘land’ in both places in which
it occurs, the words ‘immovable property’
shall be substituted.



REGULATION No. II OF 1908.

*(Received the assent of His Highness the Maharaja
on the 11th July 1908.)*

**A Regulation to amend the Mysore Stamp
Regulation, II of 1900:**



Whereas it is expedient to amend the Mysore Stamp Regulation, 1900; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. In section 2 of the Mysore Stamp Regulation, II of 1900; (hereinafter referred to as the "said Regulation")—

Amendment of Sec. 2, Regulation II, 1900.

(a) after the definition of "lease" in clause (16), the following definition shall be inserted, namely:—

"(16A). "Marketable security" means a security of such a description as to be capable of being sold in any stock market in British India or in the United Kingdom or in Mysore."

Marketable security.

(b) in clause (19), sub-clause (c) and the word 'and' prefixed thereto are hereby repealed; and

(c) to the definition of "settlement" in clause (24), the following words shall be added, namely:—

"and, where any such disposition has not been made in writing, any instrument recording, whether by way of declaration of trust or otherwise, the terms of any such disposition."

2. In section 11, clause (a), section 32, proviso clause (c), section 35, proviso clause (a), section 40, section 41, section 69 and section 74 of the said Regulation, after the words "one anna" wherever they occur, the words "or half-an-anna" shall be inserted.

Amendment of Secs. 11, 32, 35, 40, 41, 69 and 74, Regulation II, 1900.

3. After section 23 of the said Regulation, the following section shall be added, namely:—

Addition of new Sec. 23A after Sec. 23, Regulation II, 1900.

"23A (1). Where an instrument (not being a promissory note or bill of exchange),

(a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt; or

"Certain instruments connected with mortgages of marketable securities to be chargeable as agreements."

(b) makes redeemable or qualifies a duly stamped transfer, intended as a security, of any marketable security, it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5 (b) of Schedule I.

(2) A release or discharge of any such instrument shall be chargeable with the like duty."

Amendment
of Sec 26,
Regulation
II, 1900.

4. In section 26 of the said Regulation, for the first proviso, the following proviso shall be substituted, namely:—

"Provided that, in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp duty—

(a) when the lease has been granted by or on behalf of the Government, at such amount or value as the Deputy Commissioner may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to the Government under the lease, or

(b) When the lease has been granted by any other person, at twenty thousand rupees a year;

And the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease."

Amendment
of Sec 29,
clause (a), Re-
gulation II,
1900.

5. (a) In section 29, clause (a), of the said Regulation, for the words and figure 'No. 6 (Agreement to Mortgage)' the words and figure "No. 6 (Agreement relating to Deposit of Title-Deeds, Pawn or Pledge)" shall be substituted.

(b) For section 29, clause (b), the following shall be substituted, namely:—

"(b) In the case of a policy of insurance other than fire-insurance—by the person effecting the insurance;

(bb) In the case of a policy of fire-insurance—by the person issuing the policy."

Substitution
of new clause
for clouse (b)
of Sec 29,
Regulation II,
1900

Addition to
section 30,
Regulation II,
1900

6. To section 30 of the said Regulation, the following paragraph shall be added, namely:—

"Any person receiving or taking credit for any premium or consideration for any renewal of any contract of fire-insurance shall, within one month after receiving or taking credit for such premium or consideration, give a duly stamped receipt for the same."

7. In section 40, sub-section (1), clause (b), of the said Regulation, before the words "ten times the amount," the words "an amount not exceeding" shall be inserted.

Amendment of section 40 (1) (b), Regulation II, 1900.

8. In section 51 of the said Regulation, after the word "instruments," the words "by any banker or," and after the word "said," the word "banker" shall be inserted.

Amendment of section 51 Regulation II, 1900.

9. In section 56, sub-section (1), of the said Regulation, after the word and figure "Chapter V," the following shall be inserted, namely:—

Amendment of section 56 (1), Regulation II, 1900.

"And under clause (a) of the first proviso to section 26."

10. In Schedule I of the said Regulation, the following amendments shall be made, namely:—

Amendments of Schedule I, Regulation II, 1900.

(1) For Article No. 6 the following article shall be substituted, namely:—

"6. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to—

(1) The deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security); or

(2) The pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or a future debt—

(a) If such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement,

(b) If such loan or debt is repayable not more than three months from the date of such instrument.

The same duty as a bill of Exchange [No. 12 (b)] for the amount secured.

Half the duty payable on a Bill of Exchange [No. 12 (b)] for the amount secured.

Exemption.

Instrument of pawn or pledge of goods, if unattested."

(2) In the entry immediately following Article No. 27, for the words and figure "See AGREEMENT by way of EQUITABLE MORTGAGE (No. 6)" the words and figure "See AGREEMENT relating to DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6)" shall be substituted.

(3) The entry "EQUITABLE MORTGAGE" following Article No. 28 shall be omitted.

(4) In Article No. 38—

(a) for the words and figure "AN AGREEMENT TO MORTGAGE (No. 6)" the words and figure "AN AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6)" shall be substituted ;

(b) from clause (b), the words "at the time of execution" shall be omitted ; and

(c) the exemption "(3) Instrument of pledge or pawn of goods, if unattested" shall be omitted.

(5) In Article No. 39—

(a) in clause (b) for the words "one year," the words "eighteen months" shall be substituted.

(b) for the entry "four annas" each time it occurs in the second column opposite clause (b), the entry "Two annas" shall be substituted.

(6) After Article No. 44, the following entry shall be inserted, namely :—

"PAWN OR PLEDGE—*See* AGREEMENT relating to DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6)."

(7) For Divisions A and B of Article No. 45, the following shall be substituted, namely :—

| | If drawn singly | If drawn in duplicate for each part |
|--|-----------------|-------------------------------------|
| "A. SEA-INSURANCE (<i>See</i> section 7) | | |
| (1) for or upon any voyage— | | |
| (i) where the premium or consideration does not exceed the rate of two annas or one-eighth per centum of the amount insured by the policy ; | One anna | Half anna. |
| (ii) in any other case, in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy. | Two annas | One anna. |

| | If drawn singly | If drawn in duplicate for each part |
|--|--------------------|--|
| (2) for time— | | |
| (iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy— | | |
| where the insurance shall be made for any time not exceeding six months; | Two annas | One anna. |
| where the insurance shall be made for any time exceeding six months and not exceeding twelve months. | Four annas | Two annas. |
| B. FIRE INSURANCE— | | |
| (1) in respect of an original policy— | | |
| (i) where the sum insured does not exceed Rs. 5,000 ; | | Eight annas. |
| and (ii) in any other case ; | | One rupee. |
| (2) in respect of each receipt for any payment of a premium on any renewal of an original policy. | | One-half of the duty payable in respect of the original policy in addition to the amount, if any, chargeable under No. 51. |

(8) To Article No. 51 the following note shall be added, namely :—

“ See also policy of insurance No. 45-B(2). ”

(9) In Article No. 53, after the word “ instrument ” the following parenthesis shall be inserted, namely :—

“(not being such a release as is provided for by section 23A). ”

REGULATION No. III OF 1908.

*(Received the assent of His Highness the Maharaja
on the 8th August 1908.)*

The Mysore Newspapers Regulation.

WHEREAS it is expedient to provide for the efficient control of the publication of newspapers and other printed works containing public news; Preamble.

HIS HIGHNESS THE MAHARAJA is pleased to enact as follows:—

(1) This regulation may be called “The Mysore Newspapers Regulation, 1908.” Short title.

(2) It extends to the whole of Mysore; and Local extent.

(3) It shall come into force thirty days after its first publication* in the official Gazette. Commencement.

2. No newspaper or other printed work, whether periodical or other, containing public news or comments upon public news, shall, without the written permission of the Government of His Highness the Maharaja of Mysore, be edited, printed or published within the territories of Mysore. Newspapers not to be edited, printed or published without the permission of Government.

3. Any written permission granted by the Government of His Highness the Maharaja for the editing, printing or publishing of any such newspaper or other work as aforesaid may at any time be withdrawn by the Government. Power of Government to withdraw permission.

4. If any person shall, without such permission as aforesaid, or after such permission has been withdrawn by the Government, edit, print or publish any such newspaper or other work as aforesaid in the said territories of Mysore, the Government may, by an order in writing, signed by the Secretary to the Government in the General and Revenue Departments, Consequence of editing, printing or publishing newspaper without permission or after withdrawal of permission.

(a) require such person to leave the territories of Mysore within seven days from the date of such order, and

* This Regulation was first published in the Gazette on the 10th August 1908.

(b) prohibit him from re-entering the said territories without the written permission of the Government, and

(c) declare all printing presses, engines, machinery, types, lithographic stones, paper and other implements, utensils, plant and materials used or employed, or intended to be used or employed, in or for the purpose of printing or publishing such newspaper or other work as aforesaid, or found in or about any premises where such newspaper or other work as aforesaid is printed or published, and all copies of such newspaper or other work as aforesaid wherever found, to be forfeited to the Government, and dispose of the same in such manner as it shall deem fit.

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5. If any such order as is mentioned in clauses (a) and (b) of the last preceding section be disobeyed, the offender shall be liable to forcible expulsion from the territories of Mysore.

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spapers
in Mysore
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6. (1) No newspaper or other printed work, edited, printed or published beyond the limits of the territories of Mysore after being the subject of an order under section 4, and

(2) no newspaper in regard to which any such prohibition as is referred to in section 7 of the Newspapers (Incitement to Offences) Act, 1908, has been notified and continues in force, in British India, shall be circulated within the territories of Mysore.

7. If any such newspaper or other printed work as is specified in section 6 shall be circulated within the territories of Mysore,

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(i) the District Magistrate may declare all copies of such newspaper or other printed work wherever found to be forfeited to Government and may by warrant empower any Police Officer not below the rank of Sub-Inspector to seize and carry away any copies of such newspaper or other printed work wherever found, and to enter upon and search for such copies in any premises where they may be kept for sale, distribution, publication or public exhibition, or reasonably suspected to be so kept; and

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(ii) any person who circulates, or attempts to circulate, or abets the circulation of, any such newspaper or other printed work in the territories of Mysore, may be dealt with by the Government under clauses (a) and (b) of section 4 and section 5, as if such person had edited,

printed or published any newspaper within the territories of Mysore without the written permission of the Government.

8 In this Regulation the expressions "print," "printed," and "printing," shall apply not only to printing but also to lithography, engraving and photography.

Definition of
'print' and
cognate ex-
pressions.

THE MYSORE VILLAGE OFFICES REGULATION, 1908.

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REGULATION No. IV OF 1908.

(Received the assent of His Highness the Maharaja on the
16th October 1908.)

**A Regulation to consolidate and amend the
Law relating to Village Offices in Mysore.**

WHEREAS it is expedient to consolidate and amend the law relating to village offices in Mysore ; His Highness the Maharaja is pleased to enact as follows :—

1. (1) This Regulation may be called “The Mysore Village Offices Regulation, 1908.”

(2) It extends to the whole of Mysore, provided that Government may, by notification in the official Gazette, exclude any local area from its operation and may, in like manner, amend or cancel such notification.

(3) It shall come into force from such date as may be notified by Government in the official Gazette *

2. On and after that date, all existing rules and orders relating to village offices shall be repealed ; provided that nothing herein contained shall be deemed to affect any right acquired, or to revive any right that has ceased to exist, or to affect any act done or liabilities incurred, under the said rules and orders.

3. All suits, appeals and applications pending at the commencement of this Regulation shall be heard and disposed of as if they had been preferred under this Regulation.

4. In this Regulation, unless there is something repugnant in the subject or context,—

“Village” means any local area now recognised as a village or hereafter declared by Government to be a village.

“Village Office” means every office to which emoluments have been attached and which is held for the performance of duties connected with the administration or collection of the revenue, or with the maintenance of order, or with the settlement of boundaries, or other matter

Preamble.

Short title,
extent and
commence-
ment.Repeal of
rules and or-
ders ; saving
of rights
already
acquired.Disposal of
suits, etc.,
pending at
commence-
ment of Regu-
lation.

Definitions.

“Village.”

“Village
Office.”

*This Regulation came into force on 1st July 1909—vide Notification No. J. 1898—Legis. 17-04-21, dated 6th January 1909.

of civil administration pertaining to a village, whether the services originally appertaining to the office continue or have ceased to be performed or demanded, and by whatsoever designation the office may be locally known :

Provisos.

Provided as follows :—

(1) The Government may, by notification in the official Gazette, exclude any village office or offices from the operation of all or any of the provisions of this Regulation, and may, in like manner, amend or cancel such notification.

(2) The Government shall have power to decide, in case of doubt, whether any office falls under the definition of village office.

"Village Officer."

"Village Officer" means an officer holding a village office or appointed to perform or performing the duties of a village office.

"Emoluments."

"Emoluments" means and includes—

- (i) lands ;
 - (ii) assignments of revenue payable in respect of lands ;
 - (iii) fees in money or agricultural produce ;
 - (iv) money-salaries and all other kinds of remuneration ;
- granted or continued in respect of, or annexed to, any village office by the Government.

"Deputy Commissioner."

"Deputy Commissioner" means the chief local officer in charge of the revenue administration of a district.

"Assistant Commissioner."

"Assistant Commissioner" means an Assistant Commissioner in charge of a division of a district and includes any other Assistant Commissioner to whom cases under this Regulation have been transferred for disposal, in so far as such cases are concerned.

Emoluments of village offices inalienable, impartible and not liable to attachment.

5. The emoluments of village offices, whether such offices be or be not hereditary, shall not be liable to be transferred, partitioned, or encumbered in any manner whatsoever, and it shall not be lawful for any Court to attach or sell such emoluments or any portion thereof.

Proviso.

Provided that in the case of lands which are not assigned as emoluments to the holder of a village office under rules framed under section 22, nothing contained in this section shall be deemed to affect transfers, partitions or encumbrances, as between different members of a hakdar's family.

6. (1) The Government may, with reference to rules made in this behalf under section 22, group or amalgamate any two or more villages or portions thereof so as to form a single new village, or divide any village into two or more villages; and may also direct that any village office in the villages, portions of villages or village grouped, amalgamated or divided as aforesaid, shall cease to exist; and that new offices shall be created for the new village or villages.

Villages may be grouped, amalgamated or divided.

(2) In choosing persons to fill such new offices, the Deputy Commissioner or Assistant Commissioner shall, subject to such rules as Government may make in this behalf under section 22, select the persons whom he may consider the best qualified from among the last holders of the offices which have ceased to exist or the members of their families.

Selection of persons to fill new offices.

(3) The Government may also direct that the number of village offices attached to a village or the number of village officers shall be—

Reduction or increase of village offices or village officers.

(a) reduced, and thereupon the Deputy Commissioner shall dispense with the services of the officers no longer required and shall retain those whom he may consider to be best qualified to discharge the duties of the remaining offices; or

(b) increased, in which case the Deputy Commissioner or Assistant Commissioner shall select the best qualified from among the members of the families of the existing officers.

7. (1) The Deputy Commissioner or Assistant Commissioner may, of his own motion or on complaint and after enquiry, fine, suspend, dismiss or remove any holder of a village office, whether in an unalienated or alienated village, for misconduct or for neglect of duty or for incapacity or for non-residence in the village, except when such non-residence is permitted by the Deputy Commissioner, or for any other sufficient cause.*

Power to punish village officers: procedure to be followed; and mode of recovering fines imposed.

(2) The Amildar or Deputy Amildar may, of his own motion or on complaint and after enquiry, fine, or, subject to the confirmation of the Deputy Commissioner or Assistant Commissioner, suspend any holder of a village office whether in an unalienated or alienated village for misconduct or neglect of duty.

* The proviso to this sub-section was omitted by Regulation VIII of 1919.

(3) The holder of an alienated village or where there are more such holders than one, any one of them, or the agent of such holder or holders may, when duly authorized in that behalf by a commission issued by the Government in the form of schedule A, exercise in the village aforesaid and in respect of all or any particular offices specified and without prejudice to the exercise by the Deputy Commissioner, Assistant Commissioner, Amildar or Deputy Amildar of the powers respectively vested in them by sub-sections (1) and (2), all or any of such powers of an Assistant Commissioner, Amildar or Deputy Amildar under those sub-sections, as may be conferred upon him by the commission.

(4) The officer or person taking action against a village officer under any of the preceding sub-sections shall hold the enquiry himself, record his proceedings in writing and furnish a copy of his order to such village officer. When such order is passed by the holder of a commission under sub-section (3), the proceedings together with a copy of the order shall also be forthwith reported by him to the Deputy Commissioner or Assistant Commissioner through the Amildar or Deputy Amildar for information and record or for confirmation, as the case may be.

(5) Subject to any rules which may be made by Government in this behalf under section 22, the Deputy Commissioner may declare that the dismissal or removal of any village officer, whether in an unalienated or alienated village and whether ordered by himself or confirmed by him, shall entail a forfeiture of the right of succession of all undivided members of the family of the officer so dismissed or removed.

(6) Fines and suspensions under sub-sections (1), (2) and (3) shall be subject to such limitations as may be laid down by Government by rules made under section 22.

(7) All fines imposed under this section shall be recoverable as arrears of land revenue, the recovery in the case of fines payable by village officers in alienated villages being made by the Amildar or Deputy Amildar and credited to the public treasury.

8. When a vacancy occurs in the office of patel, shanbhog, nirganti, toti or talari of an unalienated village, the Deputy Commissioner or Assistant Commissioner

Rules to be
observed in
making
appointments
to the offices
of patel, shan-
bhog, etc., in
unalienated

shall fill up the vacancy in accordance with the provisions of the following sub-sections:—

(1) No person shall be eligible for appointment who—

General qualifications requisite in all cases.

(a) is not of the male sex;

(b) has not attained majority, that is, completed 18 years of age;

(c) is not physically and mentally capable of discharging the duties of the office;

(d) has not qualified according to the educational test, if any, prescribed for the office in question by rules made under section 22;

(e) has been convicted by a Criminal Court of any offence which in the opinion of the Deputy Commissioner or Assistant Commissioner disqualifies him for holding the office;

(f) has been adjudged by the Deputy Commissioner or Assistant Commissioner after a summary enquiry held in accordance with the provisions relating to summary enquiries contained in the Mysore Land Revenue Code, IV of 1888, to be of general bad character.

Provided that, in the case of nirganti, toti and talari, the Deputy Commissioner or Assistant Commissioner may, for special reasons, make an exception in favour of females otherwise competent.

(2) Subject to the provisions of sub-section (1) and save as hereinafter separately provided in the case of minors, and subject also to any declaration made by the Deputy Commissioner under section 7, the succession in the case of a permanent vacancy (a) shall be regulated by the ordinary provisions of the personal law applicable to the last holder, provided that it shall devolve on a single heir and that where there are more persons than one who would under the ordinary provisions of the said law be entitled to succeed to the last holder of the office, preference shall be given to the eldest member of the eldest branch among those persons, and (b) failing these, shall devolve on one of the duly recognised hakdars in the order of their importance as determined under rules made by Government under section 22 or on one of his heirs according to the order of precedence laid down above. In the absence of persons entitled as above under (a) and (b), the Deputy Commissioner or Assistant Commissioner may appoint any other person duly qualified under sub-section (1), subject to such appointment, unless sooner

Succession in case of permanent vacancy.

determined by a decree in a suit hereinafter provided for, being cancelled in favour of a person falling under (a) or (b), in the event of such person being forthcoming, at the end of three years from the date of the appointment.

Appointment
in case of
temporary
vacancy.

(3) Where an office has become vacant by the dismissal, removal or suspension of the last holder, the Deputy Commissioner or Assistant Commissioner may, if he thinks proper, direct that, until the death or return to duty of such last holder, the duties of the office shall be performed by some person duly qualified under sub-section (1) who is not an undivided member of the family of such holder; but in making the selection the directions contained in sub-section (2) shall as far as possible be conformed to.

Provided that, when the officer who has been dismissed or removed dies, or if the officer who has been suspended dies while under suspension, the vacancy caused by such death shall be filled up in accordance with the provisions of sub-section (2).

Procedure to
be adopted
when succe-
sor is a minor.

(4) When the person who would otherwise be entitled to succeed to an office is a minor, the Deputy Commissioner or Assistant Commissioner shall register the minor as the successor of the last holder and appoint some other person qualified under sub-section (1) to discharge the duties of the office until the person registered as successor, on attaining majority or within three years thereafter, is qualified under sub-section (1) to discharge the duties of the office himself, when he shall be appointed thereto. If the person registered as successor under this sub-section dies, or if he remains disqualified under sub-section (1) for three years after attaining majority, the Deputy Commissioner or Assistant Commissioner shall fill up the vacancy in accordance with the provisions contained in sub-section (2).

*(5) The Amildar or Deputy Amildar may grant leave to village officers up to three months and appoint substitutes for the period provided that such appointment shall be communicated to the Assistant Commissioner or the Deputy Commissioner and that such officer may cancel the appointment giving his reasons therefor.

Rules to be
observed in
making ap-
pointments to
the offices of
patel, shan-
bhog, etc., in
alienated vil-
lages.

9. When a vacancy occurs in the office of patel, shanbhog, nirganti, toti or talari of an alienated village, the holder of such village shall fill up the vacancy in accordance with the principles contained in section 8,

*This new sub-section was added by Regulation, VIII of 1919.

subject to the confirmation of the Deputy Commissioner or Assistant Commissioner.

If the appointment be not made by the holder of the village within such time as may be allowed by the Deputy Commissioner or Assistant Commissioner, it shall be competent to the Deputy Commissioner or Assistant Commissioner to make such appointment.

10. The succession to village offices in unalienated and alienated villages other than those of patel, shanbhog, nirganti, toti and talari shall devolve in accordance with the law or custom applicable thereto; and, in the absence of any such law or custom, in accordance with the provisions of sections 8 and 9, respectively.

Succession in the case of offices other than patel, shanbhog, etc.

11. (1) Any person may sue before the Deputy Commissioner or Assistant Commissioner for any village office in an unalienated or alienated village or for recovery of the emoluments of any such office, on the ground that he is entitled under sections 8, 9 or 10 of this Regulation, as the case may be, to hold such office and enjoy such emoluments; or being a minor, may sue before the Deputy Commissioner or Assistant Commissioner to be registered as successor of the last holder of any such office.

Suits for offices, for recovery of emoluments and for registry as successor.

Provided that no suit shall be entertained for a mere declaratory decree.

No suit for declaratory decree.

(2) If, at any time before the completion of the trial of a suit preferred under this section, it appears to the Deputy Commissioner or Assistant Commissioner that the claimant is not eligible for appointment on any of the grounds referred to in sub-section (1) of section 8, he shall pass an order rejecting the plaint.

Rejection of plaint when claimant is ineligible for appointment or for registry.

12. On a complaint being preferred by a nirganti, toti or talari of non-payment of the *miras* payable under rules framed under section 22 by any holder of land or other person from whom such contribution is due, the Amildar or the Deputy Amildar or the taluk or sub-taluk shall hold a summary enquiry in the manner laid down in the Land Revenue Code, IV of 1888, and pass a decision thereon; provided that the complaint is made in the year in which such *miras* is due or in the year immediately following it.

Procedure in case of non-payment of *miras* to nirganti, toti or talari.

13. The Deputy Commissioner may transfer to his own file any suit on the file of any Assistant Commissioner, or transfer any suit from his own file or that of an Assistant Commissioner to the file of another Assistant Commissioner, for disposal.

Power of Deputy Commissioner in regard to transfers of suits.

Every enquiry to be deemed a judicial proceeding.

14. (1) Every enquiry under this Regulation shall be deemed to be a "Judicial proceeding" within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Procedure with regard to suits, etc.

(2) The procedure to be followed with regard to suits, appeals and applications under this Regulation shall be regulated by rules made by Government under section 22.

Taxation of costs and execution of decrees and orders.

15. Decrees and orders passed in suits and enquiries under this Regulation may provide for payment of costs according to such scale and subject to such rules as may be prescribed by Government under section 22, and shall be executed in accordance with rules to be made under the said section and the corresponding provisions of the Land Revenue Code.

Jurisdiction of Civil Courts barred.

16. No Civil Court shall exercise jurisdiction in respect of any claim to succeed to or to the possession of, any village office, or the emoluments thereof, or any question as to the rate or amount of such emoluments; but, when the claim is as between different members of a hakdar's family of patel or shanbhog in respect of land entered in the Government records or otherwise shown as service inam land connected with the office of patel or shanbhog, such claim may be entertained and adjudicated upon by a Civil Court.

Appeal against decree or order of Assistant Commissioner, holder of a commission exercising powers of Assistant Commissioner and Deputy Commissioner

17. (1) From every decree or order passed under this Regulation by an Assistant Commissioner and from every order passed by the holder of a commission exercising any of the powers of an Assistant Commissioner under sub-section (3) of section 7, an appeal shall lie to the Deputy Commissioner; and from every decree or order passed by a Deputy Commissioner, an appeal shall lie to the Revenue Commissioner. The decision on appeal of the Deputy Commissioner or the Revenue Commissioner, as the case may be, shall be final.

Second appeal in certain cases and appeal to Government.

Provided that in cases of dismissal or removal under section 7 and in suits under section 11, a second appeal from the decision on appeal of the Deputy Commissioner shall lie to the Revenue Commissioner whose decision on such appeal shall be final, and provided further that nothing contained in this Regulation shall affect the right of appeal to Government under section 210, sub-section (2) of the Mysore Land Revenue Code.

(2) From every decision or order passed by an Amildar or Deputy Amildar under sub-section (2) of section 7 or section 12, and from every order passed by the holder of a commission exercising any of the powers of an Amildar or a Deputy Amildar under sub-section (3) of section 7, an appeal shall lie to the Deputy Commissioner or Assistant Commissioner, whose decision shall be final.

Appeal against order of Amildar or Deputy Amildar or holder exercising the powers of Amildar or Deputy Amildar.

18. If the officer to whom an appeal is presented under this Regulation happens to be the officer who in another capacity passed the decision which is appealed against, he shall report the fact to the authority to whom an appeal from his decision would lie, and such authority shall dispose of the appeal in accordance with law.

Disposal of appeal by officer who passed original order.

19. The Government and any revenue officer not inferior in rank to an Assistant Commissioner may call for and examine the record of any enquiry or the proceedings of any revenue officer subordinate to it or him and may pass such order thereon as shall seem fit; and the Government may also refer questions for the decision of the Chief Court. The provisions of the Land Revenue Code, IV of 1888, as regards revision of proceedings and reference to the Chief Court, shall apply to revision of proceedings and reference to the Chief Court under this section.

Power to call for and examine the records and proceedings of subordinate officers and to refer questions to the Chief Court.

Explanation.—For purposes of revision of orders passed by the holder of a commission under sub-section (3) of section 7, such holder shall be deemed to be an Assistant Commissioner or an Amildar or a Deputy Amildar, according as he is invested with the powers of an Assistant Commissioner or an Amildar or a Deputy Amildar, respectively, under the abovementioned sub-section.

20. Subject to the provisions contained in section 21, every suit instituted, appeal presented and application made after the period of limitation prescribed therefor by the schedule hereto annexed, shall be dismissed although limitation has not been set up as a defence.

Dismissal of suits, etc., instituted, etc., after the period of limitation.

Provided that, in the case of a person who by reason of minority is disqualified from holding office, the right to sue for such office or for the recovery of the emoluments thereof shall accrue from the date of his attaining majority.

Notwithstanding anything herein contained, any suit the cause of action for which accrued prior to the commencement of this Regulation may be brought within

Limitation in case of suits the cause of action for which accrued before the commencement of this Regulation.

three years next after the commencement of this Regulation, unless where the period prescribed for such suit by the law of limitation applicable to it hitherto shall have expired before the completion of the said three years.

Application of
certain sec-
tions of the
Limitation
Act.

21. The provisions of sections 5 and 12 of the Indian Limitation Act, 1877, so far as they relate to suits, appeals and applications shall, so far as may be, apply to suits, appeals or applications for the execution of decrees or orders, instituted, preferred or made under this Regulation.

Government
may make
rules on cer-
tain subjects

22. (1) The Government may, by notification in the official Gazette, make rules not inconsistent with this Regulation in regard to the following :—

(i) the division, grouping and amalgamation of villages and the selection of persons to fill the offices newly created under section 6 ;

(ii) the holding of enquiries and other matters coming under sections 6 and 7, and the hearing of appeals under section 17 ;

(iii) matters falling under sections 8 and 9 ;

(iv) the action to be taken in respect of any alienation of emolument contrary to the provisions of section 5 ;

(v) the procedure to be followed in filing and in disposing of suits, appeals and applications and the registers to be maintained in connection therewith ;

(vi) the execution of decrees and orders and the taxation of costs ;

(vii) the emoluments to be assigned to the holders of village offices, and the method of assessment and payment thereof ;

(viii) the duties of holders of village offices, and the descriptions and forms of the accounts and registers to be kept by them ;

(ix) the custody, production and transfer of the accounts and other records kept by holders of village offices ; and

(x) any other matters calculated to enhance the efficiency of the village service, or connected with the carrying out of the purposes of the Regulation.

Until such
rules are
made, exist-
ing rules to
be in force.

(2) Until rules are made by Government in respect of any of the matters referred to in the preceding sub-section, the rules, if any, in force with regard thereto at the time of the passing of this Regulation shall, so far as they are consistent with this Regulation, be deemed to have been made under the preceding sub-section.

SCHEDULE A.

Form of commission to be issued to the holder of an alienated village or to one of several holders thereof or to an agent under section 7 (3).

SEAL.

The Government of Mysore is pleased to confer on you (holder, one of several holders, or agent, as the case may be) power to punish village officers in the village ofto the extent described below:—

[Here enter description.]

The within delegated power is vested in you during the pleasure of and subject to recall by the Government of Mysore.

Secretary.

SCHEDULE B.

| Description | Period of limitation | Time from which period begins |
|---|----------------------|---|
| 1. Suit for the recovery of a village office or of the emoluments of any such office. | Three years | When the plaintiff is entitled to the possession of the office or the recovery of the emoluments, or the date of the order which would become final, if no such suit be brought. |
| 2. Appeal to the Deputy Commissioner or Assistant Commissioner. | Thirty days | The date of the decree or order appealed against. |
| 3. Appeal to the Revenue Commissioner. | Ninety days | Do Do |
| 4. Application for execution of decree or order. | One year ... | (1) The date of decree or order. (2) (Where there has been an appeal) the date of the final decree or order of the appellate court. (3) (Where there has been a review of judgment) the date of the decision passed on review. (4) (Where there has been a revision of the decree or order) the date of the decree or order passed on revision. (5) The date of the last application for execution made in accordance with this Regulation. |
| 5. Application for review of decree or order. | Ninety days | The date of the decree or order sought to be reviewed. |
| 6. Applications not otherwise herein provided for. | Do ... | When the right to apply accrues. |

THE POLICE REGULATION, 1908.

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- (2) Certificates of office to be given to Police officers below the grade of Sub-Inspector.
Such certificates when to become null and avoid.
- 11. (1) Powers, etc., of persons appointed as aforesaid.
(2) Temporary suspension of powers, etc., of Police officers.
- 12. General powers of the Inspector-General.
- 13. Inspector-General to have magisterial powers, and to exercise them subject to limitations imposed by Government.
- 14. General powers of Deputy Commissioner.
- 15. (1) Powers of Superintendent.
(2) Powers of Amildar, Deputy Amildar and Inspector.
- 16. Deputy Commissioner may make necessary distribution of Police force.
- 17. (1) Appointment of Special Police officers.
(2) Powers and responsibilities of Special Police officers.
- 18. (1) Employment of additional Police at request of persons showing the necessity therefor.
(2) Cost and control thereof.
(3) Proviso regarding relief from cost.
- 19. (1) Employment of additional Police near large works.
(2) Cost and control thereof.
- 20. Disputes as to payment of cost.
- 21. (1) Employment of additional Police in case of special danger to public peace.
(2) Cost thereof.
(3) Extension of period for payment of cost.
(4) Assessment of cost.
(5) Exemption from liability to bear cost.
- 22. (1) Application for compensation for injury caused by misconduct of inhabitants or unlawful assembly.
(2) Compensation how recoverable.
(3) Exemption from liability to pay compensation.
(4) Conditions under which compensation recoverable.
(5) Orders of Deputy Commissioner subject to revision.
(6) Bar to maintaining civil suit.
- 23. Recovery of rates and charges under sections 21 and 22 by Deputy Commissioner.

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

- 24. Framing of rules for administration of Police.
- 25. Inspector-General may make inspections and call for returns, etc.
- 26. (1) Punishment of Police officers, departmentally for neglect of duty, etc.
(2) Punishment under this section to be in addition to penalty under sections 33, 59, or 60.
(3) Punitive powers of Inspector-General and Deputy Commissioner and District Superintendent.

Sections.

27. (1) Procedure to be observed in awarding punishment.
(2) Appeals.
28. (1) Departmental punishment for insubordination.
(2) Procedure to be observed in awarding such punishment.
29. Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.
30. (1) Police officer not to engage in trade, etc.
(2) Police officers not to be engaged on other than Police duties.
(3) These prohibitions to apply also when Police officer is on leave or under suspension.
31. (1) Under what conditions Police officers may resign.
(2) Proviso.
(3) Arrear pay of Police officer contravening this section may be forfeited.
32. (1) Certificate, arms, etc., to be delivered up by persons ceasing to be Police officers, and
(2) If not delivered up may be seized under search warrant.
(3) Saving of certain articles.
33. (1) Penalty for making false statement, etc., and
(2) For misconduct of Police officers.
(3) Consequence of failure to return to duty after leave.
34. Penalty for failure to deliver up certificate of appointment or of office or other article.

CHAPTER IV.

POLICE REGULATION.

35. Power of Government to make orders in matters under section 144 of the Criminal Procedure Code.
36. (1) Rules may be made by District Magistrate regarding use of streets, etc.
(2) Manner of publication of such rules.
(3) Rules under clause (1) (k) to be reported to Government.
37. Discontinuance of brothels.
38. District Magistrate, etc., may authorize Police officer to enter common gaming-house.
39. (1) Issue of orders by Magistrates for prevention of disorders.
(2) Orders by subordinate Magistrates to be communicated to District Magistrate.
40. Issue of orders by Magistrate for prevention of riot or grave disturbance of peace.
41. (1) Issue of orders by Magistrate of District for maintenance of order at religious ceremonies, etc.
(2) Orders to be subject to decree, etc., of Courts.
42. (1) District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.
(2) Levy of fees in such cases.
(3) Recovery of expenses from Municipalities.
43. Dispersal of gangs and bodies of persons.

Sections.

- 44. (1) Police to provide against disorder, etc., at public places of amusement and public meetings.
- (2) Police to have free access thereto.
- 45. Issue of licenses for the conduct of processions.
- 46. (1) Police to regulate assemblies, etc., in public streets.
- (2) Manner of publication of such rules and orders.
- (3) Powers with regard to assemblies, etc., violating such rules or orders.
- (4) Assembly violating such orders to be deemed unlawful assembly.
- 47. (1) Provisions as to dogs.
- (2) When dogs may be destroyed or sold by Police.
- (3) How expenses may be recovered.
- (4) Provisions in case of dog wearing collar with owner's address.

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

- 48. (1) Duties of Police officer.
- (2) Power to enter places of public resort without warrant.
- (3) Power to search suspected persons in the streets.
- 49. Duties of Police officers towards the public.
- 50. (1) (a) Police to regulate traffic, etc., in streets : and
- (b) to keep order in streets and other public places;
- and
- (c) to regulate resort to public places.
- (2) Persons bound to conform to reasonable orders of Police.
- (3) Police officer may restrain or remove contumacious person.
- 51. Enforcement of orders issued under section 39, 40 or 41.
- 52. Duty of Police to see orders issued under section 42 or 43 carried out.
- 53. Police officer may take charge of stray cattle.
- 54. Duty of Police with regard to unclaimed property.
- 55. Superior Police officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

- 56. Punishment of certain street offences and nuisances—
- (a) driving on dark nights without light ;
- (b) disregarding the rule of road ;
- (c) leaving cattle, etc., insufficiently tended,
- (d) causing obstruction or mischief by animals ;
- (e) exposing animals for hire or sale, etc. ;
- (f) causing any obstruction in street ;
- (g) obstructing foot-way ;
- (h) exhibiting mimetic, musical or other performances, etc. ;
- (i) gambling in a street ;

Sections.

- (j) doing offensive acts on or near public streets ;
 - (k) letting loose horses, etc., and suffering ferocious dogs to be at large ;
 - (l) bathing or washing in places not set apart for those purposes ;
 - (m) defiling water in public wells etc.,
 - (n) obstructing bathers ;
 - (o) behaving indecently in public ;
 - (p) being drunk and incapable ;
 - (q) obstructing or annoying passengers in streets ;
 - (r) misbehaviour with intent to provoke breach of peace ;
 - (s) begging and exposing offensive ailments ;
 - (t) throwing dirt into street ;
 - (u) neglecting to protect dangerous places ;
 - (v) affixing bills or defacing walls ;
 - (w) soliciting for prostitution.
57. Punishment for cruelty to animals.
 58. Penalty for refusal to serve as Special Police Officer.
 59. Penalty for vexatious search, arrest, etc., by Police.
 60. Penalty for vexatious delay in forwarding person arrested.
 61. Penalty for contravention of rules under section 36 or of directions under section 50.
 62. Penalty for failure to comply with order under section 37.
 63. (1) Penalty for opening, etc., common gaming house.
(2) Penalty for being found gaming in common gaming-house.
 64. Instruments of gaming may be ordered to be destroyed on conviction.
 65. Indemnification of witnesses.
 66. Saving of games of skill.
 67. Payment of portion of fine to informer or Police.
 68. Penalty for setting birds and animals to fight in public street or place.
 69. Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.
 70. Penalty for contravention of rules or directions under sections 39, 40, 41, 44, 45, and 46.
 71. Penalty for contravention of regulation made under section 42.
 72. Penalty for contravention of direction given under section 43.
 73. Penalty for opposing or not complying with direction given under section 51.
 74. Jurisdiction when offender is a Police officer above the rank of constable.
 75. Prosecution instituted for certain offences against Regulation to be at discretion of Police.
 76. Prosecution for offences under other enactments not affected by this Regulation.

CHAPTER VII.

MISCELLANEOUS.

77. Disposal of rewards, etc., payable to Police Officers.
78. (1) Power of Government to make rules

- (2) Surveillance, etc., of criminal gangs.
- (3) Publication of rules.
- (4) Penalty for breach of rules.
- 79. Method of proving orders and notifications issued under Regulation.
- 80. Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.
- 81.
 - (1) No Magistrate or Police Officer to be liable to penalty or damages for act done in good faith in pursuance of duty.
 - (2) No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.
 - (3) Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted after one year.
 - (4) Tender of amends.
- 82. Regulation not to affect any law relating to Municipalities.

SCHEDULE A.—Enactments repealed.

SCHEDULE B.—Forms of certificates of appointment for

| |
|---------------|
| Inspector |
| Sub-Inspector |

and for Police officer below the grade of Sub-Inspector.

REGULATION No. V OF 1908.

(Received the assent of His Highness the Maharaja on the
23rd day of December 1908.)

**A Regulation to consolidate and amend the
Law relating to the Police of Mysore.**

Whereas it is expedient to consolidate and amend the law relating to the Police of Mysore; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

CHAPTER I.—PRELIMINARY.

1. (1) This regulation may be cited as “The Mysore Police Regulation, 1908.”

Short title

(2) It extends to the whole of Mysore; and

Extent.

(3) It shall come into force at once.

Commence-
ment.

2. The enactments mentioned in Schedule A are repealed to the extent specified in the third column thereof.

Repeal of en-
actments.

All references made in any enactment in force to any enactment hereby repealed shall be read as if made to the corresponding portion of this Regulation.

All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactments shall, so far as they are consistent with this Regulation, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

3. (1) The Government may, from time to time, by notification in the Official Gazette, make rules having the force of law regarding the organization and regulation of the Village Police in Mysore and may cancel, alter or add to such rules; and the Government may, by such rules, among other matters,

Rules as to
Village
Police.

- (i) provide, subject to the provisions of any law or rules in force relating to village offices, for the entertainment of such village headmen, village watchmen, totis, talaris, and other establishments of Village Police as may be necessary for each village or place, the appointment of permanent, temporary or acting incumbents for the said offices, and their remuneration;

- (ii) define the relations of members of the Village Police to one another and to the regular Police ;
- (iii) prescribe the powers and duties of Village Police officers of different grades as regards the collection and communications of intelligence relating to the condition of the community, the state of crime, the commission of offences, the occurrence of suspicious or unnatural deaths, and the like, and as regards the execution of processes, the apprehension of offenders or suspicious characters, the conduct of searches, the holding of inquests, the custody and disposal of unclaimed property, the investigation of offences, the examination of witnesses, the taking of precautionary measures against dangers to the public health, peace or safety, the maintenance and charge of village boundary hedges and walls, gates, chavadi and other buildings, and other matters ;
- (iv) require the inhabitants of villages to aid the Village Police, when called upon to do so, in keeping watch and patrolling their villages at night, in preventing or resisting robbery or other cognizable offences, in pursuing or apprehending offenders, in the recovery of stolen property, in the maintenance of village fences and village gates in good order and in carrying out other communal purposes of a like nature ;
- (v) define the ordinary powers of village headmen and the powers with which village headmen may be specially invested, in respect of the trial and punishment of offenders, and the procedure to be followed in the exercise of such powers ;
- (vi) provide for the punishment, departmentally or otherwise, of members of the Village Police for misconduct or dereliction of duty ; and
- (vii) attach to the breach of any rule under this section a penalty or conviction before a Magistrate not exceeding one hundred rupees.

(2) Until such rules shall be made and published as aforesaid, the " Rules for the organization and Regulation of the Village Police in Mysore," published under the

Notification of the Government of India, Foreign Department No. 230—J., dated the 16th October 1872, and as subsequently amended from time to time, shall continue to be in force, and shall be deemed to be rules made under this section.

4. In this Regulation, unless there be something repugnant in the subject or context,—

(a) "Inspector-General," "Deputy Inspector-General," "Assistant Inspector-General," "District Superintendent" and "Assistant Superintendent" mean, respectively, the Inspector-General of Police, a Deputy Inspector-General of Police, an Assistant Inspector-General of Police, a District Superintendent of Police and an Assistant Superintendent of Police appointed under this Regulation ;

Definitions.

"Inspector-General,"
"Deputy Inspector-General,"
"Assistant Inspector-General,"
"District Superintendent" and
"Assistant Superintendent."

(b) "District Superintendent" includes any Assistant Superintendent or other person appointed by general or special order of the Government to perform all or any of the duties of a District Superintendent of Police under this Regulation in any district or part of a district ;

"District Superintendent."

(c) Subject to such rules and orders as the Government may pass, "Inspector" includes "Sub-Inspector" and "Jainadar ;"

"Inspector."

(d) "Police Officer" means any member of the regular Police force appointed under this Regulation ;

"Police officer."

(e) "Constable" means a Police officer of the lowest grade ;

"Constable."

(f) "District" means a territorial division constituting a district for the purposes of the Mysore Land Revenue Code, 1888, and includes a portion of a District placed under the charge of a District Superintendent for the purposes of this Regulation ;

"District."

(g) "Taluk" and "Sub-Taluk" mean, respectively, the local limits within which an Amildar and a Deputy Amildar ordinarily exercise revenue jurisdiction under the Mysore Land Revenue Code ;

"Taluk and
"Sub-Taluk."

(h) "Street" includes any highway and the way over any causeway, bridge, viaduct or arch, and any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not ;

"Street "

(i) "Common gaming-house" means any building, enclosure, room, place, or vehicle in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using,

"Common gaming house."

or keeping such building, enclosure, room, place, or vehicle whether by way of charge for the use of instruments of gaming, or of the building, enclosure, room, place or vehicle or otherwise howsoever ;

" Cattle " (j) " Cattle " includes elephants, camels, horses, asses, mules, sheep, goats and swine ;

" Vehicle." (k) " Vehicle " includes bicycles, tricycles, motor cars and every wheeled conveyance ;

Words and expressions defined in the Criminal Procedure Code. (l) Words and expressions which are defined in the Code of Criminal Procedure have the same meaning as in that Code.

CHAPTER II.—ORGANIZATION OF THE REGULAR POLICE.

Constitution
of Police
force.

5. The entire Police establishment under the Government shall, for the purposes of this Regulation, be deemed to be one Police force and shall consist of such number of officers and men, and shall be enrolled and constituted in such manner, and shall receive such pay, as shall from time to time be ordered by Government.

Appointment
of Inspector-
General of
Police ;

6. (1) The Government may appoint an Inspector-General of Police for the direction and supervision of the Police force in Mysore ;

and of Deputy
or Assistant
Inspector-
General.

(2) The Government may appoint one or more Deputy or Assistant Inspectors-General of Police, to whom Government may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to Government seem expedient.

Their sus-
pension or
removal.

(3) The Inspector-General and Deputy or Assistant Inspector-General may be suspended or removed from office by Government.

Appointment
of District
and Assistant
Superintend-
ents, and their
dismissal,
suspension,
etc.

7. The Government may appoint for each district such Superintendents and Assistant Superintendents of Police as it may think expedient, and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit.

Appointment
of Inspectors
of certain
grades and
dismissal of
Inspectors.

8. The appointment of Inspectors of such grades as Government may from time to time prescribe shall be made by Government ; and the dismissal of Inspectors of all grades shall vest in Government.

9. (1) The appointment of Inspectors of grades other than those prescribed under section 8 and of Sub-Inspectors shall vest in the Inspector-General.

Appointment of Inspectors of other grades, of Sub-Inspectors and of Police officers below that rank.

(2) Police officers of the rank of Jamadar shall be appointed in each district by the Deputy Commissioner

(3) Police officers below the rank of Jamadar shall be appointed in each district by the District Superintendent.

(4) The appointment of all officers of any Provincial Reserve Police force, except Inspectors of the grades prescribed under section 8, shall be made by the Inspector-General.

Provided that all appointments made under this section shall be subject to such rules as Government may from time to time prescribe.

10. (1) Every Inspector and Sub-Inspector shall, on appointment, receive from the Inspector-General a certificate of appointment in Form I of Schedule B. Such certificate shall become null and void whenever the person named therein ceases for any reason to be an Inspector or a Sub-Inspector, as the case may be, and shall be forthwith surrendered by him.

Certificates of appointment to be given to Inspectors and Sub-Inspectors. Such certificates when to become null and void.

(2) Every Police officer below the grade of Sub-Inspector shall, on enrolment, receive a certificate in Form II of Schedule B from the Deputy Commissioner of the district in which he is enrolled. And every such Police officer enrolled in any Provincial Reserve Police force shall receive a certificate in Form II of Schedule B from the Inspector-General. Every such certificate shall become null and void whenever the person named therein ceases for any reason to be a Police Officer and shall be forthwith surrendered by him.

Certificates of office to be given to Police officers below the grade of Sub-Inspector. Such certificates when to become null and void.

11. (1) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a Police officer.

Powers, etc., of persons appointed as aforesaid.

(2) A Police officer shall not, by reason of his being suspended from office, cease to be a Police officer, but during the term of such suspension, the powers, functions and privileges vested in him shall be in abeyance and he shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place.

Temporary suspension of powers, etc., of Police officers.

12. The Inspector-General shall be the head of the Police Department. He will exercise general control over the Police force and over crime—more particularly,

General powers of the Inspector-General.

organized and professional crime—and subject to the approval of Government, he may make rules and orders under the provisions of sections 24 and 25 of this Regulation.

Inspector-General to have magisterial powers; and to exercise them subject to limitations prescribed and imposed by Government.

13. The Inspector-General of Police shall have the powers of a Magistrate of the First Class throughout Mysore, but shall exercise such powers only in such cases and subject to such limitations as may from time to time be prescribed and imposed by Government.

General powers of Deputy Commissioner.

14. Subject to the general control of the Inspector-General, the Deputy Commissioner shall be the head of the Police in his district, and shall, as such, direct and regulate all matters connected with the efficient discharge of their duties by the Police force of his district.

Powers of Superintendent.

15. (1) Subject to such rules and orders as may be made by Government in this behalf, and to the general control of the Deputy Commissioner, the District Superintendent may exercise all or any of the powers of the Deputy Commissioner under this Regulation; and without prejudice to the powers and responsibilities of the Deputy Commissioner, the District Superintendent shall have direct control over all ordinary matters connected with—

(a) arms, accoutrements, clothing;

(b) drill, exercise;

(c) observation and surveillance of gangs, known depredators, suspects; collection and communication of intelligence and information; identification of persons by finger prints or otherwise;

(d) distribution of duties and beats;

(e) education of men and officers in law and Police procedure; and

(f) questions of routine;

and may correspond direct with the Inspector-General in ordinary matters connected with arms, accoutrements, clothing, drill and discipline, escorts, reports and returns, identification of persons by finger prints or otherwise, and other routine matters.

Powers of Amildar, Deputy Amildar and Inspector.

(2) Subject as aforesaid, the Amildar and Deputy Amildar shall be *ex-officio* Police officers within their revenue charges and shall have general powers of control over the Police and be responsible for the prevention

and detection of crime and maintenance of order within such charges; and the Inspector shall be the executive head of the Police within his range, subject to the general control and direction of the Amildar or Deputy Amildar.

16. Subject to the approval of the Inspector-General, the Deputy Commissioner may make such distribution or movement of the allotted Police force within his jurisdiction as may be found necessary to meet local requirements.

Deputy Commissioner may make necessary distribution of Police force.

17. (1) When it shall appear that any unlawful assembly or riot or other disturbance of the peace has taken place or is reasonably apprehended and that the Police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in the place where such unlawful assembly or riot or disturbance of the peace has occurred or is apprehended, it shall be lawful for any Magistrate in the neighbourhood, on the application of any Police officer having authority in the place, not below the rank of an officer in charge of a Police Station, to appoint, by a written order signed by himself and sealed with his official seal, so many of the fit and capable male residents of the neighbourhood as may be required to act as Special Police officers for such time and within such limits as he shall deem necessary.

Appointment of Special Police officers.

(2) Every Special Police officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer; but it shall not be necessary for him to receive a certificate of office under section 10.

Powers and responsibilities of Special Police officers.

18. (1) The Inspector-General, or the Deputy Commissioner subject to the approval of the Inspector-General, may, on the application of any person showing the necessity therefor, depute any additional number of Police to keep the peace or to perform other Police duties at any place within his jurisdiction.

Employment of additional Police at request of persons showing the necessity therefor.

(2) Such additional Police shall be employed at the charge of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as may be deemed necessary.

Cost and control thereof.

(3) Provided that, if the person, upon whose application such additional Police are employed, shall at any time make a written requisition to the Inspector-General

Proviso regarding relief from cost.

or the Deputy Commissioner for the withdrawal of the said Police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as such officer shall determine.

Employment
of additional
Police near
large works.

19. (1) Whenever it shall appear to the Inspector-General or the Deputy Commissioner that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place, necessitates the employment of additional Police at such place, such officer may, with the sanction of Government, depute such additional Police to the said place and keep the said Police employed therefor so long as he shall consider necessary.

Cost and
control there-
of.

(2) Such additional Police shall be employed at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, at such rates and payable at such times as the Deputy Commissioner, with the sanction of Government, may prescribe and shall be subject to the orders of the Police authorities.

Dispute as to
payment of
cost.

20. In the event of any dispute in any case under section 18 or section 19, the decision of the Deputy Commissioner shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may be levied as if it were an arrear of land revenue.

Employment
of additional
Police in cases
of special
danger to
public peace.

21. (1) The Government may, from time to time, by notification duly published, direct the employment of additional Police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the Police.

Cost thereof.

(2) The cost of such additional Police shall, if Government so direct, be either in whole or in part defrayed by a tax imposed on the persons herein below mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate in such proportions as the Government may fix, and charged—

(a) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(b) specially on any particular section or sections or class or classes of such persons.

Explanation.—For the purposes of this section and of section 22, “inhabitants” shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue direct from raiyats or occupiers in such area, notwithstanding that they do not actually reside therein.

(3) It shall be lawful for Government to extend the period for the payment of such tax or rate for a term not exceeding in any case five years beyond the period for which such additional Police are actually employed.

Extention of
period for
payment of
cost.

(4) The said tax shall be imposed, or the said rate shall be assessed, by the Deputy Commissioner at his discretion.

Assessment of
cost.

(5) It shall be lawful for Government, by order, to exempt any persons from liability to bear any portion of such cost.

Exemption
from liability
to bear cost.

22. (1) If death or grievous hurt or loss of or damage to property has been caused by, or has ensued from, the misconduct of the inhabitants or any class or section of them in any area referred to in the preceding section or by any thing done in the prosecution of the common object of an unlawful assembly, it shall be lawful for any person or persons who claim to have suffered injury, from such misconduct or act to make, within one month from the date of the injury, an application to the Deputy Commissioner for compensation.

Application
for compensa-
tion for injury
caused by
misconduct of
inhabitants or
unlawful
assembly.

(2) With the previous sanction of Government obtained through the Inspector-General, the Deputy Commissioner may—

Compensation
how recover-
able.

(a) after such enquiry as he deems necessary,

(i) determine the amount of the compensation which should be paid to such person or persons, and

(ii) declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed to such distributed or dangerous state or to the holding of such assembly;

(b) recover the amount so determined, in such proportions as he may think proper, from all or any of the inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(c) award or apportion all or any moneys so recovered to any person or among all or any persons whom he considers entitled to compensation in respect of the death or grievous hurt or loss or damage aforesaid.

Exemption from liability to pay compensation.

(8) It shall be lawful for Government, by order, to exempt any persons from liability to pay any portion of such compensation.

Conditions under which compensation recoverable.

(4) No recovery shall be made and no compensation shall be granted under this section, unless the Deputy Commissioner is satisfied that the person claiming compensation is himself free from blame in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.

Orders of Deputy Commissioner subject to revision.

(5) Every declaration, assessment and order made by the Deputy Commissioner under sub-section (2) shall be subject to revision by Government or by such officer as it from time to time empowers in this behalf, but save as aforesaid shall be final.

Bar to maintaining civil suit.

(6) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been awarded under this section.

Recovery of rates and charges under sections 21 and 22 by Deputy Commissioner.

23. Every tax imposed or rate assessed or amount recoverable by the Deputy Commissioner under the last two preceding sections or other provision of this Regulation shall be recovered by the Deputy Commissioner as if it were an arrear of land revenue due by the person answerable therefor.

CHAPTER III.—REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of Police.

24. Subject to the orders of Government, the Inspector-General may, from time to time, make rules or orders not inconsistent with this Regulation or with any other enactment at the time in force—

(a) relating to the recruitment, organization, classification and discipline of the Police ;

(b) regulating the inspection of the Police by his subordinates ;

(c) determining the description and quantity of arms, accoutrements, clothing and other necessities to be furnished to the Police ;

(d) for institution, management and regulation of any Police fund for any purpose connected with the Police administration ;

(e) regulating the distribution, movement and location of the Police ;

(f) regulating the duties of Police officers of different grades ;

(g) regulating the collection and communication by the Police of intelligence and information, and the investigation of crime ;

(h) prescribing the books and registers to be maintained and the returns to be submitted by the several Police officers ;

(i) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

25. The Inspector-General may, subject to the rules and orders of Government, make periodical inspections of Police establishment and stations, and require from the District Superintendent and other officers subordinate to him and from the Deputy Commissioner, returns, reports and statements, either particular or general, on subjects connected with the suppression of crime, the condition of the criminal classes, the maintenance of order and the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police force, the utilization of auxiliary means, the performance by the Police of their duties, and all other matters in furtherance of his control of the police force.

Inspector-General may make inspections and call for returns, etc.

26. (1) Any officer authorized by sub-section (3) in that behalf may—

(a) suspend, reduce or dismiss any Police officer below the grade of Assistant Superintendent, or

(b) impose on any such Police officer who is guilty of any breach of discipline, misconduct or neglect of duty which does not necessitate his suspension, reduction or dismissal or who, by any act of his own, renders himself unfit for the discharge of his duty, any one or more of the following punishment, *viz.*,—

Punishment of Police officers departmentally for neglect of duty, etc.

(1) fine not exceeding one month's pay ;

(2) deprivation of good service pay ;

(3) removal from any office of distinction or special emolument ;

(4) entry of a black mark against his name in the manner prescribed by rules made in this behalf ;

(5) forfeiture of leave ;

(6) punishment drill ;

(7) extra guard, fatigue or other duty.

Provided that the punishments mentioned in clauses (4), (6) and (7) shall not be imposed on any officer of or above the rank of jamadar.

Punishment under this section to be in addition to penalty under sections 38, 59 or 60.

Punitive powers of Inspector-General and Deputy Commissioner and District Superintendent.

(2) Any punishment inflicted on a Police officer under this section shall be in addition to the penalty to which such officer is liable under sections 38, 59 or 60 of this Regulation or any other law in force.

(3) Subject to the provisions of section 8, the Inspector-General shall have authority to punish any police officer below the grade of Assistant Superintendent. The Deputy Commissioner and the District Superintendent shall have each the like authority in respect of any Police officer subordinate to him of and below the grade of Sub-Inspector and the Deputy Commissioner may suspend an Inspector who is subordinate to him, pending inquiry into any grave complaint against such Inspector and until an order of the Inspector-General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf.

Procedure to be observed in awarding punishment

27. (1) When any officer passes an order for fining, suspending, reducing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature, in Kanarese or in English.

Appeal.

(2) From all orders passed by the District Superintendent under sub-section (1), an appeal shall lie to the Deputy Commissioner. From all orders of the Deputy Commissioner, an appeal shall lie to the Inspector-General. In the case of all officers above the rank of constables, a further appeal shall lie to Government.

Departmental punishment for insubordination.

28. (1) The Inspector-General or the Deputy Commissioner or the District Superintendent may punish, by confinement for a period not exceeding three days, any Police officer below the rank of jamadar or head constable who is, in his presence, grossly insubordinate or who is insolent to him.

Procedure to be observed in awarding such punishment.

(2) Every order for punishing a Police officer as aforesaid shall be recorded in the manner prescribed in section 27, and a copy of every such order made by a Deputy Commissioner or a District Superintendent shall be forwarded by him without delay to the Inspector-General or the Deputy Commissioner, as the case may be.

29. Every Police officer shall, for all purposes of this Regulation, be deemed to be always on duty and may at any time be transferred to or employed on Police duty in any part of Mysore for so long as his services may be there required.

Police officers to be deemed to be always on duty and to be liable to employment in any part of Mysore.
Police officer not to engage in trade, etc.

30. (1) Without the permission of the Deputy Commissioner or the Inspector-General, or of Government, no Police officer shall engage in trade or be in any way concerned, either as principal or as agent, in any dealing in land within the district wherein he is employed or in any commercial transaction whatever, or bid for property sold by order of a Criminal Court, or have money transactions with another Police officer.

(2) No Police officer shall, unless with the written permission of the Inspector-General, hold any office, or practice in any profession, or engage in any employment whatever, other than his office or duties as such Police officer.

Police officers not to be engaged on other than Police duties.

(3) The prohibitions in sub-sections (1) and (2) apply when a Police officer is on leave or under suspension as well as when he is on duty.

These prohibitions to apply also when Police officer is on leave or under suspension.

31. (1) Unless with the written permission of the Deputy Commissioner or of some other Police officer empowered by the Inspector-General in this behalf, no Police officer of or below the rank of Inspector shall resign his office or withdraw himself from the duties thereof, until—

Under what conditions Police officer may resign.

(a) the expiration of two months after written notice of his intention so to do has been given by him to the Deputy Commissioner; and until—

(b) he has fully discharged any debt due by him, as such Police officer, to Government or to any Police Fund.

(2) Provided that, if any such Police officer produces a certificate signed by the Principal Medical Officer in the district declaring him to be unfit, by reason of disease or mental or physical incapacity, for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid.

Proviso.

(3) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the Deputy Commissioner, to forfeit all arrears of pay

Arrear pay of Police officer contravening this section may be forfeited.

then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 33 of this Regulation or other law in force.

Certificate,
arms, etc., to
be delivered
up by person
ceasing to be
Police officer
and

32. (1) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Deputy Commissioner to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessities which have been furnished to him for the execution of his office.

if not deliver-
ed up, may be
seized under
search war-
rant.

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, any District Superintendent may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessities not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure by a Police officer or, if the Magistrate or District Superintendent issuing the warrant so directs, by any other person.

Saving of cer-
tain articles

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for
making false
statement,
etc.,

and for mis-
conduct of
Police officers.

33. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

(2) any Police officer who—

(a) contravenes any provision of section 30, or

(b) is guilty of cowardice, or

(c) resigns his office or withdraws himself from the duties thereof in contravention of section 31, or

(d) is guilty of any wilful breach, or neglect of any provision of law or of any rule or order which, as such Police officer, it is his duty to observe or obey, or

(e) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall on conviction before a Magistrate, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

Consequence
of failure to
return to duty
after leave.

(3) A Police officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave, shall, for the purposes of

clause (c), be deemed to withdraw himself from the duties of his office within the meaning of section 31.

34. Any Police officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 32, shall on conviction before a Magistrate be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Penalty for failure to deliver up certificate of appointment or of office or other article.

CHAPTER IV—POLICE REGULATIONS.

35. Government whenever it shall seem necessary may, by notification, make an order to such effect as any order which, if made by a Magistrate under section 144 of the Code of Criminal Procedure, could be continued in force by Government under the enactment aforesaid.

Power of Government to make orders in matters under section 144 of Criminal Procedure Code.

36. (1) In any town or other place in which he thinks fit, the Magistrate of the district, may, from time to time and subject to such orders as may have been made by a Municipal or other authority empowered in that respect, make rules or orders—

Rules may be made by District Magistrate regarding use of streets, etc.

(a) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(b) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(c) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(d) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(e) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets or along certain specified streets, except under such reasonable regulations as he may prescribe in that behalf;

(f) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or want only

discharging a fire-arm or air-gun, or letting off or throwing a fire-work or sending up a fire-balloon in or upon or within fifty feet of a street or building, or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except under such reasonable regulations as he may prescribe in that behalf ;

(g) prohibiting, except under such reasonable regulations as he may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street ;

(h) regulating the blasting of rocks or the making of excavations in or near any street, and providing for the taking out of licenses for such operations ;

(i) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons deceased ;

(j) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature ;

(k) laying down such directions in cases of existing or apprehended epidemic or infectious disease of men or animals with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management of the persons or animals deceased or supposed to be diseased, as may have been ordered or approved by Government with a view to prevent the disease or to check the spreading thereof ;

(l) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein ;

(m) regulating the hours during which and the manner in which any place for the disposal of the dead, any *chattram*, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto ;

(n) regulating the entrance and exit of persons at theatres and other places of public amusement or assembly the decent and orderly conduct of proceedings therein and the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience.

(2) Every regulation made under clause (i) or made under clause (m) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases. Every rule, order or regulation made under the several clauses of this section shall be published in one or more of the methods described below, to be determined by the Magistrate of the district with reference to the circumstances of each case:—

Manner of publication of such rules.

(a) by delivery of copy thereof to the person concerned;

(b) by affixing notice of the same in such language or languages as may be found suitable at a conspicuous place or places in or near the building, platform, structure, street, locality, source of supply or receptacle of water, place for disposal of the dead, chattram, village-gate, theatre or other place of public resort or amusement.

(c) by affixing such notice in the chavadi, Police Station or Taluk Cutcherry or in more than one of these places;

(d) by publication of the same in the Official Gazette, and if the Magistrate so direct, in local newspapers;

(e) by beat of tom-tom in such places and at such times as the Magistrate may prescribe.

(3) Every rule promulgated under the authority of clause (k) of sub-section (1) of this section shall be forthwith reported to Government and shall be in force for not more than thirty days unless extended by Government for a longer period and, in such case, for so long as Government directs.

Rules under clause (1) (k) to be reported to Government.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

37. On complaint being made to a Magistrate of a district or of a sub-division that any house in a town or

Discontinuance of brothels.

village in his district or sub-division to which the Government has by notification extended this section is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be set forth in the order, to discontinue such use of it.

District Magistrate, etc., may authorise Police officer to enter common gaming house.

38. If the Magistrate of the district or a first class Magistrate or the District Superintendent of Police has reason to believe that any building, enclosure, room, place or vehicle is used as a common gaming-house, he may either himself enter, or by his warrant give authority to any Police officer above the rank of a constable to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such building, enclosure, room, place, or vehicle and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gambling, which are found therein, and to search all parts of such building, enclosure, room, place or vehicle and also the persons found therein.

Issue of orders by Magistrates for prevention of disorder.

39. (1) The Magistrate of the district, or in his absence and subject to his order, any Magistrate of the first class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, playing of music, delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace

or to resistance to or contempt of the law or of a lawful authority.

(2) An order made under this section by a Subordinate Magistrate shall be forthwith communicated to the Magistrate of the district, who shall thereupon confirm, cancel or modify the same as shall seem expedient.

Orders by subordinate Magistrate to be communicated to District Magistrate.

40. In order to prevent an impending or apprehended riot or grave disturbance of the peace, the Magistrate of the district, or, in his absence and subject to his control, any Magistrate of the first class having local jurisdiction, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

Issue of orders by Magistrates for prevention of riot or grave disturbance of peace.

41. (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street as to which or the conduct of or the participation in which it shall appear to the Magistrate of the district that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Issue of orders by Magistrate of district for maintenance of order at religious ceremonies, etc.

(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the district that such order is inconsistent with any judgment, decree, injunction or order of such Court.

Orders to be subject to decrees, etc., of Courts.

42. (1) Whenever it shall appear to the Magistrate of a district that any place in the district at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may, by public notice, prescribe such regulations to be

District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.

observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom, as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

Levy of fees in such cases.

(2) It shall be lawful for the Magistrate of the district subject to the orders of the Government, to assess and levy such reasonable fees on persons falling under the provisions of sub-section (1) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

Recovery of expenses from Municipalities.

(3) When the place of assemblage is within the limits of a Municipality, such sums as shall be necessary for the purposes aforesaid may be recovered from the Municipality.

Disposal of gangs and bodies of persons

43. Whenever it shall appear to the Magistrate of a district or to any Sub-Divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or to create reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe.

Police to provide against disorder, etc., at public places of amusement and public meetings.

44. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of the highest rank superior to that of constable, present in the town or village where such place of amusement is situate or such assembly or meeting is to be held, may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(2) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose

of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

45. The District Magistrate, any first class Magistrate, any Amildar or Deputy Amildar may, within the local limits of his jurisdiction, regulate and control by the grant of licenses or otherwise the conduct of all assemblies and processions, the playing of music, the beating of drums, toun-touns or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street.

Issue of licenses for the conduct of processions.

46. (1) Any officer of Police not below the grade of an Inspector may, subject to any rule or order which may at any time be legally made by any Magistrate or other authority duly empowered in this behalf—

Police to regulate assemblies, etc., in public streets.

(a) make rules for and direct the conduct of and behaviour or action of persons constituting assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which, the same may pass;

(b) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate or competent authority under sections 36 to 43 and 45.

(2) Every rule and order made under sub-section (1) of this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

Manner of publication of such rules and orders.

(3) Any Magistrate or any Police officer not below the rank of an officer in charge of a Police station may stop any procession which violates any license, rule or order issued under this or the preceding section and may order it or any assembly, moving crowd or assemblage which violates any such license, rule or order, to disperse.

Powers with regard to assemblies etc., violating such rules or orders.

(4) Any procession or assembly or moving crowd or assemblage which neglects or refuses to obey any such license, rule or order shall be deemed to be an unlawful assembly.

Assembly violating such orders to be deemed unlawful assembly.

47. (1) The Magistrate of the district may, by public notice extending to such place or places within the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the Police may, except as is hereinafter

Provisions as to dogs.

in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner claims it, provides a proper muzzle, and pays all expenses connected with such detention.

When dogs may be destroyed or sold by police.

(2) The Police shall not destroy any dog which wears a collar bearing a known owner's name unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(3) For the expenses incurred under the preceding sub-sections, the owner of the dog shall be answerable as for an arrear of land revenue.

Provision in case of dog wearing collar with owner's address.

(4) When any dog taken possession of by the Police wears a collar with the apparently genuine address of any person inscribed thereupon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.

CHAPTER V.—EXECUTIVE POWERS AND DUTIES OF THE POLICE.

48. (1) Every Police officer shall—

Duties of Police officer,

(a) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(b) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and report such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;

(c) to the best of his ability, prevent the commission of public nuisances;

(d) apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension there is sufficient reason;

(e) aid another Police officer when called on by him or in case of need, in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(f) discharge such duties as are imposed upon him by any law relating to revenue or any other law at the time in force.

(2) Every Police officer may, subject to the rules and orders made by Government or by a person lawfully authorized, enter for the purpose of sub-section (1) without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking shop, or shop for the sale of intoxicating drugs, or a place of resort for prostitutes and disorderly persons.

Power to enter places of public resort without warrant.

(3) When in a street or place of public resort a person is suspected to be in possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure or other law in force.

Power to search suspected persons in the streets.

49. It shall be the duty of every Police officer—

(a) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

Duties of Police officers towards the public

(b) to take prompt measures for procuring necessary help for any person under arrest or in custody, who is wounded or sick, and to have due regard to his condition, whilst guarding or conducting him;

(c) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(d) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(e) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(f) to use his best endeavours to prevent any loss or damage by fire;

(g) to use his best endeavours to avert any accident or danger to the public.

50. It shall be the duty of a Police officer—

Police to regulate traffic, etc., in streets; and

(a) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any of the provisions of this Regulation or of any rule or order made thereunder or of any other law in force for observance by the public in or near the streets;

to keep order in streets and other public places; and

(b) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

to regulate resort to public places.

(c) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of Police.

(2) All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of the said duties.

Police officer may restrain or remove contumacious person.

(3) A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under section 39, 40 or 41.

51. Whenever a notification has been duly issued under section 39 or an order has been made under section 40 or 41, it shall be lawful for any Magistrate or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid, and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Duty of Police to see order issued under section 42 or 43 carried out.

52. It shall be the duty of a Police officer to see that every regulation and notification made by the Magistrate of the district under section 42 or by the Magistrate of the district or a Sub-Divisional Magistrate under section 43 is duly obeyed, to warn persons who from ignorance fail to obey the same, and to arrest any person who wilfully disobeys the same.

53. A Police officer may take charge of any cattle which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the Cattle Trespass Act.

Police officer may take charge of stray cattle.

54. The Police shall take charge of all unclaimed property found by or made over to them, and shall forthwith report the same to the Magistrate having local jurisdiction, who shall deal with the property as if it were property falling under section 523 of the Criminal Procedure Code.

Duty of Police with regard to unclaimed property.

55. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and, in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any other person lawfully acting under his command or authority.

Superior Police officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.—OFFENCES AND PUNISHMENTS.

56. In any local area to which the Government by notification from time to time extends this section or any part thereof, whoever contrary thereto—

Punishment of certain street offences and nuisance;

(a) without lawful excuse drives along, or keeps standing in, any street a vehicle of any description at any time between *half an hour* after sunset and one hour before sunrise, without a sufficient light or lights (a).

driving on dark nights without light;

(b) without reasonable cause, drives, drags, or pushes any vehicle otherwise than on the near or left side of the road, or passes any vehicle except on the right side of it and at any speed higher than what may be prescribed by notification by Government;

disregarding the rule of the road;

(c) leaves in any street insufficiently tended or secured any animal or vehicle;

leaving cattle, etc., insufficiently tended;

(d) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, negligence or ill usage in the driving, management or care of any animal or vehicle, or drives any vehicle or animal laden with timber, poles or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the district;

causing obstruction or mischief by animals;

[—*, These words were substituted for the original by Regulation VI of 1921.

(a) Certain words at the end of this clause were repealed by Regulation VI of 1921.

exposing animal for hire or sale, etc. ;

(e) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public ;

causing any obstruction in street ;

(f) i) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded or has to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose ; or by leaving any vehicle standing or by fastening any cattle therein, or using any part of a street as a halting-place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time ;

(ii) or causes obstruction by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever contrary to any regulation made and published by the Magistrate of the district ;

obstructing foot-way ;

(g) causes obstruction on any foot-way, or drives, rides or leaves any animal or drives, drags or pushes any vehicle thereupon ;

exhibiting mimetic, musical or other performances, etc. ;

(h) exhibits, contrary to any regulation made and notified by the Magistrate of the district, any mimetic, musical or other performances of a nature to attract crowds or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned ;

gambling in a street ;

(i) assembles with others or joins any assembly in a street gathered for the purpose of gaming or wagering ;

doing offensive acts on or near public street ;

(j) (i) slaughters any animal or cleans a carcass or hide, except in some place set apart for the purpose by order of the District Magistrate or of some other person having lawful authority in that behalf ;

(ii) obeys a call of nature or permits a child to do so, or bathes or washes his person in or near to and within sight of a street, so as to cause annoyance to the neighbouring residents or to passers-by ;

letting loose horse, etc., and suffering ferocious dogs to be at large ;

(k) negligently lets loose any horse or other animal, so as to cause danger, injury, alarm or annoyance to the public, or suffers a ferocious dog to be at large without a

muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or animal;

(l) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the district or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river stream, nalla, or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the district or other person having lawful authority in that behalf;

bathing or washing in places not set apart for those purposes;

(m) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or a part of a river, stream, nalla or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

defiling water in public wells, etc.

(n) obstructs or incommodes a person bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart;

obstructing bathers;

(o) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office;

behaving indecently in public;

(p) is drunk and incapable of taking care of himself in a street or place of public resort;

being drunk and incapable;

(q) wilfully pushes, presses, hustles or obstructs any passenger in a street, or disturbs the public peace or order, by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise;

obstructing or annoying passengers in streets;

(r) uses in any street any threatening, abusive or insulting words or behaviour or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper of drawing with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned;

misbehaviour with intent to provoke breach of peace;

(s) begs importunately for alms, or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street;

begging and exposing offensive ailments;

(t) throws or lays down any dirt, filth, rubbish, or any stones or building materials in any street, or causes any offensive matter to run from any house, factory, dung-heap, or the like, into any street;

throwing dirt into the street.

neglecting to
protect dan-
gerous places;
affixing bills
or defacing
walls;

(u) neglects to fence in or duly to protect any well, tank, or other dangerous place or structure;

(v) without the consent of the owner or occupier, affixes or causes to be affixed any bill, notice or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence;

soliciting for
prostitution.

(w) solicits or molests any passenger in a street for the purpose of prostitution

shall be punished with fine which may extend to fifty rupees, provided that imprisonment in default of payment of such fine shall not exceed eight days, notwithstanding anything contained in section 67 of the Indian Penal Code.

Punishment
for cruelty to
animals.

57. (1) Whoever cruelly beats, goads, overworks, overloads, ill-treats or tortures, or causes or procures to be cruelly beaten, goaded, overworked, overloaded, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than the second class, unless such Magistrate be specially invested with jurisdiction for that purpose by the Government.

Penalty for
refusal to
serve as spe-
cial police
officer.

58. Any person appointed a special Police officer under section 17 who, without sufficient excuse, neglects or refuses to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, shall be punished with fine which may extend to fifty rupees.

Penalty for
vexatious
search, arrest,
etc., by Police

59. Any Police officer who,—

(a) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place; or

(b) vexatiously and unnecessarily seizes the property of any person; or

(c) vexatiously and unnecessarily detains, searches, or arrests any person; or

(d) offers any unwarrantable person violence to any person in his custody; or

(e) holds out any threat or promise not warranted by law to an accused person;

shall for every such offence be punished with imprisonment for a term not exceeding two months, or with fine which may extend to five hundred rupees, or with both.

60. Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

Penalty for vexatious delay in forwarding person arrested.

61. Whoever —

(a) contravenes any rule or order made under section 36, or

(b) opposes or fails to conform to any direction given by the police under section 50, or

(c) abets the commission of any offence referred to in clause (a) or clause (b), shall be punished with fine which may extend to fifty rupees.

Penalty for Contravention of rules under section 36 or of directions under section 50.

62. Whoever fails to comply with an order made under section 37, shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for failure to comply with order under section 37.

63. (1) Whoever opens, keeps, or uses or permits to be used any common gaming house, or conducts or assists in conducting the business of any common gaming house, or advances or furnishes money for gaming therein shall be punished with imprisonment not exceeding three months or with fine not exceeding two hundred rupees, or with both.

Penalty for opening, etc., common gaming house.

(2) Whoever is found gaming or present for the purpose of gaming in a common gaming-house, shall be punished with imprisonment not exceeding one month or with fine not exceeding one hundred rupees, or with both.

Penalty for being found gaming in common gaming house

Explanation 1. Any cards, dice, gaming table or cloth, board, or other instruments of gaming found in any building, enclosure, room, place or vehicle entered, or searched, under the provisions of section 38 or on any person found therein shall be evidence that such building, enclosure, room, place or vehicle is used as a common gaming house, and that the persons found therein were there present for the purpose of gaming although no play was actually witnessed by a Police officer or others.

Explanation 2.—It shall not be necessary, in order to convict any person keeping a common gaming house or of being concerned in the management of any gaming house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Explanation 3.—Any person found in any common gaming house, during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Instruments of gaming may be ordered to be destroyed on conviction.

64. On conviction of any person for keeping a common gaming house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all moneys, securities for money, or any of the other articles seized or the proceeds thereof to be forfeited.

Indemnification of witnesses.

65. Any person who shall have been concerned in gaming contrary to this Regulation, and who shall be examined as a witness before a Magistrate on a trial of any person for a breach of any of the provisions of the Regulation relating to gaming and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Regulation for anything done before that time in respect of such gaming.

Saving of games of skill.

66. Nothing in sections 33 and 63 of this Regulation shall be held to apply to games of mere skill wherever played.

Payment of portion of fine to informer or Police.

67. The Magistrate may award any portion, not exceeding one-half, of any fine which shall be levied under section 63 of this Regulation, and of the moneys or proceeds of articles seized and ordered to be forfeited under section 64, to informers or Police officers who may have assisted in the detection of the offenders.

Penalty for setting birds and animals to fight in public street or place.

68. Whoever is found setting any birds or animals to fight in any public street, place or thoroughfare or is there present aiding and abetting such public fighting of birds and animals, may be arrested by any Police officer without a warrant, and shall be punished with imprisonment for a term not exceeding one month or with fine not exceeding fifty rupees, or with both.

Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.

69. Whoever is found between sunset and sunrise—
(1) armed with any dangerous instrument with intent to commit an offence, or

(2) having his face covered or otherwise disguised with intent to commit an offence, or

(3) in any dwelling house or any other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or

(4) lying or loitering in any street, or other place, being a reputed thief, and without being able to give a satisfactory account of himself, or

(5) having in his possession without lawful excuse any implement of housebreaking,

may be arrested by any Police officer without a warrant, and shall be punished with imprisonment for a term not exceeding three months.

70. Whoever—

(a) disobeys an order lawfully made under section 39, 40 or 41, or—

(b) opposes or fails to conform to any direction given by the Police under section 44, or—

(c) opposes and disobeys any rule made or direction given under section 46, or—

(d) contravenes any condition of a license granted under section 45, or—

(e) abets the commission of any offence referred to in clause (a), (b), (c), or (d) of this section,

shall be punished with fine which may extend to two hundred rupees.

71. Whoever contravenes or abets the contravention of any regulation made under section 42 shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

72. Whoever opposes or disobeys any direction given by a Magistrate of a district or a Sub-Divisional Magistrate under section 43, or abets opposition to, or disobedience of any such direction, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

73. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under section 51, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

74. Offences against this Regulation, when the accused person or any one of the accused persons is a Police officer above the rank of a constable, shall not be cognizable by a Magistrate below the second class.

75. It shall not, except in obedience to a rule or order made by the Government or by the Magistrate of the district, be incumbent on the Police to prosecute for an offence punishable under sections 56, 57, 61, 62, 70, 71 or 72 when such offence has not occasioned serious

Penalty for contravention of rules or directions under sections 39, 40, 41, 44, 45 and 46.

Penalty for contravention of regulation made under section 42.

Penalty for contravention of direction given under section 43.

Penalty for opposing or not complying with direction given under section 51.

Jurisdiction when offender is a Police officer above the rank of constable.

Prosecution for certain offences against Regulation to be at discretion of Police.

mischief and has been promptly desisted from on warning given.

Prosecution
for offences
under other
enactments
not affected
by the Re-
gulation.

76. Nothing in this Regulation shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Regulation or from being prosecuted and punished under this Regulation for an offence punishable under any other enactment: provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure. -

CHAPTER VII.—MISCELLANEOUS.

Disposal of
rewards, etc.,
payable to
Police officers.

77. All sums paid for the service of process by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers or are awarded to them by Magistrates or granted by officers of Government or others shall, except as hereinafter in this section provided, be credited to Government. Provided that, with the sanction of Government, or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to Police officers or other persons.

Power of
Government
to make rules.

78. (1) The Government may make rules consistent with this Regulation for more effectually carrying out the object thereof and may, from time to time, repeal alter or amend such rules.

Surveillance,
etc., of criminal
gangs.

(2) Such rules may, among other matters, provide for the registration, surveillance, and control of gangs or classes of persons believed to be addicted to the systematic commission of crime, and for the recording of finger impressions by the Police of any person who—

(a) is in custody for a non-bailable offence, or

(b) has no settled abode and is suspected to be addicted to crime, or

(c) is a member of a gang or class of persons generally addicted to crime.

Publication
of rules.

(3) Every rule under this section shall be published in the Official Gazette in English and Kanarese, and shall come into effect after two months from the date of its first publication.

Penalty for
breach of
rules.

(4) For every breach of any such rule, the offender shall, on conviction, be punished with imprisonment not

exceeding eight days or with fine not exceeding ten rupees.

79. Any order or notification published or issued by the Government or by a Magistrate or officer under any provision of this Regulation, and the due publication and issue thereof, may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original published and issued according to the provisions of the section of this Regulation applicable thereto.

Method of proving orders and notifications issued under Regulation.

80. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient for any defect of form or publication or any irregularity of procedure.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

81. (1) No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Regulation or of any rule, order or direction lawfully made or given thereunder.

No Magistrate or Police officer to be liable to any penalty or damages for act done in good faith in pursuance of duty.

(2) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the Government or by a person empowered in that behalf under this Regulation or any rule made under any provision thereof.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(3) In any case of an alleged offence by a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than one year after the date of the act complained of.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if instituted after one year.

(4) No plaintiff shall recover in any such suit if tender of sufficient amends shall have been made before the institution of such suit or if a sufficient sum of money shall have been paid into Court after institution thereof by or on behalf of the defendant, and, though a decree

Tender of amends.

shall be given for the plaintiff in any such suit, such plaintiff shall not have costs against the defendant, unless the Court shall certify its approbation of the suit.

Regulation
not to affect
any law rela-
ting to
municipi-
palities.

82. Nothing in this Regulation shall affect any of the provisions of any law in force relating to municipalities.

SCHEDULE A.

(See Section 2.)

ENACTMENTS REPEALED.

| Number and year of enactment | Title or subject | Extent of repeal |
|------------------------------|--|--|
| V of 1861 ... | An act for the Regulation of Police (as extended to the town of Bangalore by Government of India Notifications No. 385, dated the 11th December 1866, and No. 322— I. J., dated the 19th November 1879). | The whole. |
| III of 1867 ... | For the punishment of public gambling and the keeping of common gaming-houses (as extended to the town of Bangalore by Government of India Notification No. 240 dated the 11th December 1867.) | The whole. |
| 1872 .. | Regular Police Rules, published under Government of India Notification No. 230 J., dated the 16th October 1872. | The whole, with the exception of the provisions prescribing diaries, books, registers, returns and reports, so far as they are not inconsistent with this Regulation or Rules framed thereunder. |

SCHEDULE B.

(See Section 10.)

Form I.

FORM OF CERTIFICATE FOR ^{INSPECTOR}
SUB-INSPECTOR OF POLICE

The seal of
the Inspector-
General of
Police in
Mysore.

A. B.* has been appointed an ^{Inspector}
Sub-Inspector in the Mysore Police Forceand is vested with the powers, functions and privileges of a Police officer under the Mysore Police Regulation, 1908.

Dated the.....

(Signature.)

Inspector-General of Police.

*Particulars:—

Father's name.....

Race, religion, caste.....

Native place.....

Age.....

Length of previous }
service, if any }.....

Form II.

Form of Certificate for Police Officer below the
grade of Sub-Inspector.

Seal of the
Deputy Com-
missioner of
the District.

A. B. *has been appointed to the Police Force, Mysore, and is vested with the powers, functions and privileges of a Police officer under the Mysore Police Regulation, 1908.

Dated the.....

(Signature.)

Deputy Commissioner.

*Particulars :—

Father's name.....

Race, religion, caste.....

Native place.....

Age.....

REGULATION No. VI OF 1908.

*Received the assent of His Highness the Maharaja on the
26th day of December (1908.)*

A Regulation to amend the Mysore Registration Regulation, I of 1903.

Whereas it is expedient to amend the Mysore Registration Regulation, I of 1903; His Highness the Maharaja is pleased to enact as follows :—

Preamble.

(1) In para 1 of section 88, the words "or the Deputy Post Master General" shall be inserted after the words "Post Master General."

Amendment
of section 88
of the Registration Regulation.

(2) In para 2 of the same section, the word "or" after "Registrar" shall be omitted and the words "or Deputy Post Master General" shall be inserted after the words Post Master General."

REGULATION No. I OF 1909.

*(Received the assent of His Highness the Maharaja on the
11th day of January, 1909.*

**A Regulation further to amend the Mysore
Land Revenue Code, IV of 1888.**

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows:—

1. The following section shall be inserted after section 210 of the Mysore Land Revenue Code, 1888:—

“210A. Notwithstanding anything contained in this Regulation, the Government may at any stage withdraw any appeal or class of appeals pending before the Revenue Commissioner, and dispose of the same, or retransfer the same for disposal to the Revenue Commissioner.”

Preamble

Addition of
section 210A
to Regulation
IV of 1888
Power to
Government
to withdraw
appeals from
the Revenue
Commission-
er

REGULATION No. II OF 1909.

(Received the assent of His Highness the Maharaja on the 11th day of January 1909.)

A Regulation further to amend the City of Mysore Improvement Regulation, 1903.

Whereas it is expedient further to amend the City of Mysore Improvement Regulation, 1903, His Highness the Maharaja is pleased to enact as follows:—

Preamble.
References to
Regulations
of 1871
changed to
references to
Mysore.

1. The references to the Municipal Regulations of 1871 shall be changed to references to the Mysore Municipal Regulation, 1906.

Municipal
Regulation,
1906.

2. In sections 4, 5, 7, 16, 19, 21, 24, 26, 30, 31, 33, 37 and 38, for the words "Municipal Commission," "Municipal Commissioner" and "Municipal Commissioners," there shall be substituted, respectively, the words "Municipal Council," "Municipal Councillor" and "Municipal Councillors."

Substitution
of "Municipal
Council."
etc., for
"Municipal
Commission"
etc.

3. In section 4 relating to the constitution of the Board, the word "nine" shall be substituted for the word "eight," and the words "the Health Officer of the Mysore City Municipality, the Deputy Sanitary Commissioner to the Government," shall be substituted for the words "the Civil Surgeon for the time being of the Mysore District."

Amendment
of section 4.

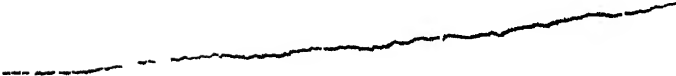
4. For section 20, the following shall be substituted:—

"20. The provisions of sections 41, 50, 90 to 93, 113, 116, 118, 119 and 121 to 125 of the Municipal Regulation, VII of 1906, in regard to streets; of sections 99 to 105, 107 (1), 108, 109, 111 and 112 in regard to drains, privies, sewers, etc.; of section 154 in regard to the service of notices, etc.; and of section 156 in regard to the execution of works when the owner or occupier fails to execute the same and the recovery of the expenses thereof from him shall, so far as may be consistent with the tenor of this Regulation, apply,

Substitution
of a new
section for
section 20.
Board may
exercise
certain
powers of
Municipal
Councillors in
regard to
streets,
drains,
privies,
sewers, etc.,
services of
notices, etc.,
and execution
of works and
recovery of
cost.

(a) to streets, drains, privies, sewers, etc., or parts thereof vested in the Board under this Regulation, and

(b) to the service of notices, the execution of works and the recovery of expenses by the Board under this Regulation; and all references in the said provisions to the Municipal Councillors or other Municipal authority shall be construed as references to the Board."



REGULATION No. III of 1909.

*Received the assent of His Highness the Maharaja on the
30th day of December 1909.)*

***A Regulation further to amend the Mysore
Chief Court Regulation, 1884.***

Whereas it is expedient further to amend the Mysore Chief Court Regulation, 1884; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. The following shall be substituted for the last paragraph of section 3, viz.

Substitution
of a new
paragraph
for the last
paragraph of
section 3.

“ ‘ Full Bench ’ means a Bench consisting of not less than three Judges of the Chief Court.”

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